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ACCOUNTS AND PAPERS:

TWENTY-NINE VOLUMES.

—(11.)—

EAST INDIA.

MCDUGALL'S DISINFECTING POWDER;
MACHINERY IN JAILS;
MAIL COMMUNICATION; OPIUM; OUDE;
PUBLIC WORKS; RAILWAYS;
SANITARY COMMISSION; STEAM TRANSPORTS.

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ACCOUNTS AND PAPERS:

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TWENTY-NINE VOLUMES:—CONTENTS OF THE ELEVENTH VOLUME.

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EAST INDIA (McDOUGALL'S DISINFECTING POWDER).

RETURN to an Address of the Honourable The House of Commons,
dated 22 February 1865;—for,

“COPY of a DESPATCH from the Secretary of the Bombay Government, dated the 27th day of May 1864 (No. 1426), with its Enclosures, in reference to the efficiency of McDOUGALL'S DISINFECTING POWDER, and requesting a Supply thereof for use as a Deodoriser in *India*; together with all other PAPERS or REPORTS at the India Office in reference to the subject.”

Military Department, India Office, }
1 March 1865.

T. T. P E A R S, Major General,
Military Secretary.

COPY MILITARY LETTER from Bombay, dated 1 June 1864, No. 29.

1. WE have the honour to submit the accompanying copies of proceedings connected with an experiment of “McDougall's Patent Disinfecting Powder,” for general use in hospital and barrack latrines, and of the Resolution passed by us thereon.

2. In accordance with the concurrent recommendations of the military and medical authorities, we submit the accompanying indent for supplies of the “powder.”

From the President to the Sanitary Commission to the Secretary to
Government, Military Department.

Sir,

Bombay, 30 March 1864.

IN reply to your letter, No. 595, of 1864, I have the honour to report, for the information of his Excellency the Governor in Council, that the Sanitary Commission is of opinion, that it is necessary that barracks, hospitals, and cantonments should be supplied with some deodorizing agent better than those now in use, and from the information published in England, from what has been reported to the Government of Bombay and recorded in the documents laid before this Commission,* and from the personal observations of those forming the Commission, no other such agent appears to combine so advantageously efficiency, simplicity of manipulation, general applicability, and economy as “McDougall's Patent Disinfecting Powder.”

*And now returned.

2. This powder consists in large part of sulphite of lime and magnesia, and acts speedily as a deodorant, but its effect is not so durable as it would be did it contain more than its present quantity of carbolic acid. Its effect, however, is sufficiently durable for all that is required in barracks and hospitals, where the daily removal of refuse is duly attended to, and were the effect to be rendered more permanent, by increasing the proportion of carbolic acid in the powder, inconvenience would be felt from the disagreeable smell of creosote that would be evolved when used in the hospital and barrack latrines.

3. Although the ordinary “Disinfecting Powder” of McDougall is that which is best fitted for barracks and hospitals and for officers' quarters, an agent of more permanent efficacy than the sulphite of lime and magnesia is desirable for deodorizing the filth-pits that are required at almost every cantonment, and carbolic acid might advantageously be made available for this purpose.

4. To use carbolic acid it has first to be diluted, and the usual way of doing this is to mix it with milk of lime, but this requires manipulation and management, which, although not difficult, yet might not always be satisfactorily carried out; and as there is always more difficulty in the safe transport of liquids than of solids, it seems better that the carbolic acid should not be brought in its uncombined and liquid state.

5. Messrs. McDougall and Co. prepare a powder containing as much as 50 (fifty) per cent. of carbolic acid, as mentioned by Dr. Angus Smith before the Royal Sanitary Commission, and in this form it might, with less risk of loss and more easily than in its liquid state, be transmitted; and when received at its destination it would be ready for use in its dry state, or it might be diluted further with water.

6. The quantity of this carbolised powder that would eventually be found necessary for the permanent deodorizing of the filth-pits, can only be accurately determined by experience on a large scale, but it is thought that, on an average, a pound a day would be enough for each military station; and taking the number of stations to be 35, there would be required $5\frac{1}{4}$ (five and three-quarters) tons for a year; and the Sanitary Commission recommend that that quantity be obtained from England made up, one-half in packages of 28 lbs. each, and the other half in packages of 56 lbs. each, for convenience of distribution and of carriage.

7. The calculation of the Principal Inspector General of the Medical Department, of the probable expenditure of the ordinary "McDougall's Patent Disinfecting Powder," did not include any provision for the filth-pits, and the quantity arrived at in his estimate would remain unaffected by the present suggestion, which is to the purport that the $5\frac{1}{4}$ tons of the stronger carbolised powder should be in addition.

8. The Sanitary Commission consider it advisable that Government should obtain from England, as recommended by Dr. Stovell, 300 (three hundred) tons of "McDougall's Disinfecting Powder," and that it should be procured in packages of 100 (one hundred) pounds each, that being the weight which the Commissary General considers the most convenient for transmission to out-stations.

I have, &c.
(signed) *A. H. Leith*,
Deputy Inspector General of Hospitals,
President of the Sanitary Commission.

(No. 245.)

From the Quartermaster General of the Army to the Secretary to Government
—Military Department.

Sir,

Head Quarters, Poona,
27 January 1864.

REFERRING to Government Resolution, No. 2452, dated 17th August last, I have the honour, by desire of the Commander-in-Chief, to supply the information with regard to the use of carbolic acid therein called for.

2. The principal Inspector General, Medical Department, was first communicated with, in order to ascertain his views as to the mode in which the requisite experiments of the powder should be made, and his suggestions were to the effect:—

1st. That it should be tried for two or three months in the hospital and barrack latrines of one or more regiments at Poona.

2dly. That a committee should be formed for the purpose of frequently visiting such places, as well as those where lime and charcoal only were used, in order that a contrast might be drawn between the two systems.

3dly. The quantity recommended was three ounces for one privy-pan.

4thly. That if Government^r could spare Dr. Hewlett's services for a few days from the Mint, it would be desirable that he should himself superintend the arrangements^r for the first use of the acid.

3. Upon the receipt of these suggestions, his Excellency the Commander-in-Chief issued the accompanying General Order marked (A.), and instructed me to explain to the Deputy Inspector General, Her Majesty's British Forces, the arrangements above noted, and to request that he would give Dr. Hewlett every aid in carrying them out.

4. At the end of October, Dr. Gammie reported the result of the experiment in his own letter, No. 1121, and the three accompaniments which are attached hereto, marked (B).

5. These were forwarded by Sir William Mansfield's desire to Dr. Hewlett, for any observations he might have to offer thereon, and I have the honour to annex his report, marked (C).

6. The whole of these papers were then forwarded to the Principal Inspector General, Dr. Stovell, with a request that he would be so good as to offer such recommendation as he might be able, for the introduction of carbolic acid in lieu of lime and charcoal for general use in the Bombay Army. His reply, marked (D.), is annexed.

7. Prior, however, to laying these reports before Government, Sir William Mansfield desired the Commissary General to inform him of the annual cost of lime and charcoal in the army, in order that it might be contrasted with Dr. Hewlett's estimate, that the expense of carbolic acid would probably amount to 3,000 *l.* annually.

8. Colonel Dunsterville's report on this subject, marked (E.), is annexed, from which it will be seen that the present expenditure on deodorants is 15,458 rupees annually.

9. Although, according to present estimates, the cost of carbolic acid is double that of lime and charcoal, yet I am desired by the Commander in Chief to observe, in extenuation of that drawback, that ordure deodorized and disinfected by carbolic acid will sell for a large sum of money as manure, not to mention the incalculable sanitary advantages and saving in life and comfort that may be reasonably expected to result from its use.

10. Dr. Stovell brings to notice the fact, that the use of this acid is highly recommended at page 262 of the Report of the Commissioners on the Sanitary State of the Army, and also at page 10 of a pamphlet, by Dr. Dickinson, of the Bengal Medical Service, entitled "The Hygiene of Indian Cholera," where its certainty of action and its cheapness are particularly noticed.

11. His Excellency trusts that, under the circumstances now adduced, the Honourable the Governor in Council may be pleased to advocate the general adoption of carbolic acid in place of the lime and charcoal now used.

I have, &c.
(signed) *R. Phayre*, Lieut. Colonel,
Quartermaster General.

(A.)

EXTRACT from General Order by His Excellency the Commander-in-Chief;
Poona, 28 August 1863.

706. GOVERNMENT having intimated their wish that the use of carbolic acid as a deodorant and disinfectant should be fully tried at Poona, his Excellency the Commander-in-Chief desires that Major General Smith, c.B., commanding the division, will afford every facility for testing its efficacy in the hospitals of the Royal Artillery, 4th King's Own Regiment, and 33d Foot, under detailed instructions that will be given to the medical officers of those corps by the Deputy Inspector General of Hospitals, Her Majesty's British Forces.

(B.)

(No. 1121.)

From the Deputy Inspector General of Hospitals to the Quartermaster General of the Army.

Principal Medical Officer's Office, British Forces,
Head Quarters, Poona, 28 October 1864.

Sir,

I HAVE the honour to forward, for the information of his Excellency the Commander in Chief, the accompanying reports on the efficacy of carbolic acid as a deodorant:—

1. As far as these experiments have gone, there seems to me but little doubt that the deodorizing powder (McDougall's) will be found not only very effectual but very superior to quicklime or any other deodorizing agent yet known.

2. More extended experiments will probably show that a smaller quantity than that laid down by Dr. Gorringe will be efficacious, as it must be taken into consideration that the present experiments have been conducted in privies and urinals saturated with decomposing matter of years' standing; this will not be satisfactorily arrived at until new privies and new iron vessels are brought into use, as recommended in the new sanitary regulation about to be introduced.

3. If it is the case that the effect only lasts 12 hours, it would still allow time for the removal of the excreta to the place assigned for its deposition, which is all that is required, as far as the barrack and hospital conservancy is concerned.

4. Sprinkling some of the powder on the floor of the latrines by means of a dredger, as recommended by Dr. Gorringe, is a good suggestion, and a pattern of a dredger for that purpose is now at head quarters.

5. The powder might also be used with a good effect as an occasional whitewash for the walls of hospitals, and a solution for deodorizing infected clothes or linen.

I have, &c.

(signed) P. Gammie,

Deputy Inspector General of Hospitals, and
Principal Medical Officer, British Forces.

(B.)

REPORT on McDougall's Patent Disinfecting Powder, by Dr. Gorringe,
4th K. O. Regiment.

IN accordance with a General Order by His Excellency the Commander-in-Chief, dated Poona, 28th August 1863, No. 706, a series of experiments were instituted at the hospital of the 4th K. O. Regiment, to determine the adaptability of the above powder to regimental conservancy.

A bag of 25 lbs. having been received from Assistant Surgeon Hewlett, of the Bombay Army, it was found in appearance to be a fine dry greyish-looking powder, with a strong smell of coal-tar, and described as composed of a mixed sulphite of magnesia and lime, and carbolate of lime, with a little free lime.

Experiment 1. An iron pan, long in use as a receptacle in the latrine, and emitting a noxious odour, was sprinkled with the powder (about one ounce being used) and instantly the foul smell became neutralised, though not to the extent of perfect deodorization.

Experiment 2. An iron urinal containing about three gallons of urine was next produced, and into which three ounces of the powder was stirred; the effect was instantaneous, as far as the inside of the vessel was concerned, and the fluid itself—both being completely disinfected; but the smell of urine was apparent from the outside of the iron vessel being saturated as it were with it from long use, and urine frequently coming into contact with the outside walls from carelessness in using it.

This experiment was put aside till the following morning. In the interim, about three gallons more of urine had been added (from its common use during the time by the patients in hospital), and on its second examination much the same results were obtained as before, that is, the inside was free from smell, but the outside emitted the usual odour.

Experiment 3. A close stool pan used 12 hours previously and purposely kept this long time to render the fæces very fetid, and about one ounce and a-half of the powder added and thoroughly mixed up with the fæcal contents. This proved the most satisfactory of any of the experiments; not the slightest foul odour could be detected a minute after the addition of the powder.

Experiment 4. A quart of urine, kept four days till it became putrid, was completely deodorized with a table-spoonful of the powder.

Experiment 5. Two ounces of the powder was put into each pan of one of the hospital latrines, fitted with six seats and used by 35 men, and the result noted after 24 hours. A very marked improvement in the atmosphere of the latrine was found, but the deodorization was incomplete, owing, as I suppose, to the compartments containing the pans being soiled, and also to the insufficiency of the quantity employed.

Experiment 6.

Experiment 6. Three ounces of the powder used in the same way as in the foregoing experiment, and with proportionately better results, but its effects passed off in about 12 hours.

Experiment 7. Three ounces of the powder sprinkled over each pan and compartment and floor of the latrine, morning and evening, or six ounces per pan as a total, and which was found most efficient.

REMARKS.

I am of opinion that McDougall's Patent Disinfecting Powder is much superior and pleasanter in use than any other substance which has been previously used for sanitary purposes.

Its virtues would appear to consist in its readiness to decompose the sulphuretted hydrogen of foul smells, by means of its sulphurous acid forming water and free sulphur—both of these compounds being inodorous.

The part taken by the carbolic acid, merely preventing the waste of the ammonia in the ordure, and thereby rendering the refuse so valuable as a manure.

Of course my experiments refer only to its disinfecting properties, the remainder must be determined by the practical agriculturist.

Having premised thus much, it becomes of next importance to determine the minimum quantity which would suffice for the conservancy purposes of a regiment, and in assisting in a solution of this desideratum the architectural plan of the latrines belonging to a particular barrack or regiment, as well as the conservancy establishment of the same, must form a chief consideration.

If enamelled iron pans with a rim be adopted in privies, fitting the circular aperture of the seats so as to prevent the compartments beneath from being soiled, and if a sweeper is always in attendance ready to remove a pan directly it is used, empty it into the iron receptacle (as proposed in the new conservancy rules just published for this Presidency), leaving a little water in the pan and then replacing it, I am of opinion that the use of the powder in the pans themselves would be wholly unnecessary, because the pans being of enamelled iron can be perfectly cleansed by water.

The same will hold good of the urinals if enamelled vessels are provided.

So that no powder need be used in the privies or urinaries.

But into each of the iron receptacles for solid refuse (proposed to be placed outside each privy by the published rules above referred to) I would cause to be mixed one pound of the powder, and here the deodorization would occur, so that these receptacles, when removed by the filth-carts to outside the camp limits, need not be emptied into pits, but made available at once for sale as manure.

Thus we should get rid of bildars, filth-pits, quick-lime, charcoal, and salt (these two latter being now burnt in the urinaries).

Into each of the receptacles for fluid refuse (urine), of which one is proposed to each privy, half the amount of powder would suffice.

So that if we were building new barracks, or the latrines in existing barracks were to be altered in conformity with the proposed plan, the following would be a comparative statement of the use of quick lime and the disinfecting powder:—

QUICK LIME.

(According to the scale laid down in the new published rules.)

			<i>Lbs. oz.</i>
10	Privies, eight seats each, at 3 oz. per pan - - -	-	15 0
2	Receptacles for solid refuse for each privy, at 6 oz. each -	-	7 8
1	„ for urine - - -	-	Nil.
	Filth pits, at 10 oz. each - - -	-	1 4
			23 12

DISINFECTING POWDER.

(According to proposal.)

			<i>Lbs. oz.</i>
2	Receptacles for solid refuse for each privy, at 1 lb. each -	-	20 0
1	„ for urine to each privy, at $\frac{1}{2}$ lb. each -	-	5 0
			25 0

The above quantities refer to barracks only.

The hospital and patcheries might be supplied in the same proportions, allowing a little extra for use in close stools, &c.

The other plan which I have to recommend, and which would prove the most economical, as far as present outlay is concerned, is to leave unaltered the existing latrines either as to number or plan, and to work with the same conservancy establishment as allowed at present, and in precisely the same manner, merely deodorizing the latrines with the disinfecting powder instead of lime as in present use.

To do this effectually the sweeper on duty at each latrine should be supplied with a dredger holding about a pound of the powder, and which should be assiduously applied night and morning, not only to the inside and outside of each of the pans, but to the compartments also. The floor of the latrine should also be sprinkled with it. This "pound dredger" would so suffice, when filled, for about six pans.

The iron urinals should each have 3 oz. stirred in night and morning.

The consumption at the Ghorpoorie Barracks on this plan would be as follows, daily:—

	<i>Lbs. oz.</i>
3 Latrines, each with 12 pans, at 6 oz. each (half in the morning and half in the evening) - - - - -	13 8
24 Urinaries, each with two iron urinals, at 3 oz. each, night and morning - - - - -	18 0
3 Cook house cesspools, 6 oz. each - - - - -	1 2
	32 10

The Hospital would require as follows:—

2 Latrines, each with six pans - - - - -	4 8
2 Iron urinals, at 6 oz. each - - - - -	0 12
Extra supply for close stools, &c., &c. - - - - -	2 0
Cesspools - - - - -	0 12
Female Hospital - - - - -	2 0
Staff Serjeants' quarters - - - - -	3 0
Patcheries - - - - -	5 0

Officers' bungalows (officers to be allowed to purchase) from Government stores.

Total for regiment, per diem, 50 lbs.; which, at 10*l.* per ton, would be 4 *s.* 6 *d.* a day.

J. Gorringe, Surgeon,
4th K. O. Regiment.

Poonah, 8 September 1863.

(B.)

(No. 174, of 1863.)

From Surgeon Major *W. L. Cameron*, 4th Brigade Royal Horse Artillery, to the Deputy Inspector General of Hospitals, British Troops.

Sir,

Kirkee, 9 October 1863.

IN accordance with your instructions I have given a trial to carbolate of lime in the hospital under my charge, with regard to its effects as a deodorizing agent, and have every reason to be satisfied with the result. We commenced using it on the 29th August, and have found that it quite neutralizes the most noxious effluvia in latrines and urinals, so very desirable an object where large bodies of men are congregated together. In ordinary cases we found that about one ounce of the powder was sufficient to remove and render neutral the odour arising from one dejection; this we found to be permanent, the effluvia not returning. In abnormal dejection, such as those of dysenteric cases, we found that although the effluvia was first removed, it partially returned after about 12 hours, but nothing like what had been before the powder had been used; we therefore, in cases of this description, tried a larger quantity of the powder, namely, from 1½ to 2 oz., with permanent good effect.

2. I am of opinion, from the trial we have had of carbolate of lime, that it is far superior as a deodorizing agent to any that has hitherto been discovered, and would strongly recommend its introduction for the use of latrine, both of barracks and hospitals.

I have, &c.,
(signed) *W. L. Cameron*, Surgeon Major,
4th Brigade Royal Horse Artillery.

(B.)

(No. 86, of 1863.)

From Surgeon *W. Hanbury*, Her Majesty's 33d Regiment, to the Deputy Inspector General of Hospitals, Her Majesty's British Troops.

Sir,

Camp Poona, 15 September 1863.

REGARDING the merits of McDougall's Disinfecting Powder, I have the honour to report as follows:—

1st. That it acts as an effectual deodorizer, but I have not been able to satisfy myself that it interferes with the process of decomposition.

2d. That the time the deodorizing effects last depends on the rate at which decomposition goes on, and the quantity of the powder applied in excess of what is necessary to remove present offensive odours.

3d. That three ounces of the disinfecting powder are sufficient to deodorize the excreta of 20 men for a period of 12 hours.

4th. That a proper adaptation of the "pans" to the privy seats would do away with the necessity for urine tanks in the rear of the privies, and reduce to a minimum the use of this or any other disinfectant.

I have, &c.,
(signed) *W. Hanbury*, Surgeon,
Her Majesty's 33rd Regiment.

(C.)

From Assistant Surgeon *T. G. Hewlett*, Acting Deputy Assay Master, Bombay, to
Major *Wray*, Deputy Quartermaster General of the Army.

Sir,

Bombay, Mint Assay Office, 7 November 1863.

In acknowledging the receipt of your memorandum, No. 1625, dated 3d instant, with its accompaniments, I do myself the honour, in obedience to his Excellency the Commander in Chief's directions, to offer the following remarks on the result of the experiments of carbolated lime powder in the hospitals at Poona:—

2. I fully concur with Deputy Inspector General Gammie's opinion, that a more extended experience with "new" privies and "new" iron vessels will prove that even a less quantity than Dr. Gorringe has laid down will be found equally efficacious; for it must be remarked, that the same result was attained in the three hospitals with different quantities. Dr. Hanbury found three ounces sufficient for 20 men, whilst Dr. Cammeron used one ounce to each man; a fact to be attributed, in my opinion, to the various conditions, and points of saturation by organic matter, of the different privies and pans.

3. I also think that complete deodorization for 12 hours will meet all practical difficulties as regards decomposition again setting in, for, as Dr. Gammie observes, there will then have elapsed sufficient time for the excrement to have arrived at its place of deposition; should, under any extraordinary combination of circumstances, a longer delay have taken place, the simple remedy is to use a fresh quantity of the powder. Ordinarily, if this excrement were only to be used for manure, it would arrive at the fields in the very best possible condition for yielding up its nitrogen as food for plants. If it were desirable to render the excrement unamenable to the oxydizing effects of the atmosphere, an application of the crude carbolic acid would effect this; but then its fertilizing properties would be so locked up, that it could not decay until an immense period of time had elapsed. This result is not to be desired, for no benefit would then accrue to those who were most concerned in its creation.

4. I would also wish to express my opinion that the powder should be used in every privy pan, for should it so happen that any man with cholera poison in him before going to hospital should pass a stool into one of these privies during the promonitory-diarrhœa stage, I believe that the next occupant of that privy would be exposed to preventable danger.

5. I feel convinced that the more intimately acquainted medical and other officers become with the merits of this powder, that its necessity will be the more recognised; and I would refer to the almost universal testimony in its favour from medical officers situated in the Presidency to whom, through the kindness of the Principal Inspector General, it was furnished. In the sole case in which it was not so highly spoken of, the only one amongst all that I have ever given it to, the Secretary to the Principal Inspector General remarks in his letter to my address, No. 2197, of 1863, "It is thought that the trials of the carbolic acid at the Jamsetjee Jeejeebhoy Hospital were conducted either with too small a quantity, or, perhaps, not in the most approved manner, otherwise the result, so satisfactorily attained elsewhere, could not but have followed."

6. Since writing the above, I have received a letter from Dr. Cammeron on this subject, and I trust I may be pardoned if I forward the following extract from it:—

"I have given the powder a full and fair trial, and have every reason to be well satisfied with it as a deodorizing agent. I found that, for ordinary dejecta, an ounce and a half was quite sufficient for each occasion, and the effect was permanent; but in morbid dejecta, such, for instance, as those of dysentery, a larger quantity was necessary, and after 12 hours the effluvia, to a certain extent, returned, but by no means to the extent that existed at first; neither did the unpleasant odour increase, though the substance was kept for 48 hours. Two ounces used for each dejection in a dysenteric case, however, was found sufficient to remove all unpleasant odour, and with that quantity it did not return; but with a less quantity it did. I understand that some regimental surgeons have reported that, in all cases, the unpleasant odour returned after 12 hours. This, however, certainly has not been by experience, which has been as I have mentioned. I should say that the quantity per man per regiment would be about two ounces, as some would use the necessary twice, which would take three ounces; while again others, only using it once, would leave a surplus of half an ounce for those who required it. For hospitals a larger amount than this would be advisable."

7. Supposing Dr. Cammeron's estimate of two ounces per man per diem were taken as a standard, the cost of each man would be a fraction under 4 *d.* per month, taking the prime cost of the powder at 10 *l.* a ton, which gives the price of 1½ *d.* per pound; freight, &c., is not included in this calculation. The cost of quick-lime, if an equal quantity were supplied, would amount to a fraction over 3½ *d.* per man per month. I say nothing about the comparative efficacy of the two, but I cannot help thinking that Dr. Cammeron's estimate is in excess of what would be found requisite in new privies and new urinals, for there is little difficulty in proving that decomposing organic matter clings to walls and vessels for years, and that, therefore, to ensure its neutralization, so to speak, in places and vessels that for a long period had been perfectly saturated, it was, in this instance, necessary to employ a larger quantity than would, in my opinion, have been sufficient if the experiments had been attempted in perfectly new buildings and vessels.

8. That this powder chemically effects a change in the most filthy places is, without a doubt, established, for it instantaneously attacks putrescent bodies; that it ensures safety by at once neutralizing the poison of zymotic disease, as propagated so fruitfully by the excreta of man; that it is exceedingly cheap, and most efficient for the purpose intended, will, I trust, have been made clear; and I feel confident that, if it is introduced, it will tend to effect an immense saving in human life, for the persistent neglect of the first principles of sanitary science has destroyed, and does destroy far more lives than the bloodiest wars: and though this annual sacrifice does not excite the same amount of attention, it is perfectly appalling to those who watch the fearful loss of life resulting from preventable disease.

9. Should Government determine to employ this agent, I hope I may be permitted to express an opinion that experiment should be instituted to determine the amount required for station, as well as regimental conservancy. This will depend on so many local causes, that I cannot at present express a decided opinion on the amount that would be requisite.

I have, &c.
(signed) T. G. Hewlett, Assistant Surgeon,
Acting Deputy Assay Master.

(D.)

(No. 2580, of 1863.)

From the Principal Inspector General, Medical Department, to the Quartermaster General of the Army.

Sir,

Bombay, 20 November 1863.

I HAVE the honour to acknowledge the receipt of your letter, No. 2720, of the 16th instant, and to return the compilation which accompanied it.

2. I beg to state that, as the experiments at Poona with the preparation of carbolic acid, called McDougall's Patent Disinfecting Powder, appear to have proved satisfactory, I think Government should be moved to apply to the Home Authorities to have sent out a considerable quantity without delay, enough for one year's consumption, and that it should devolve upon the Commissariat or Barrack Department to obtain and keep up a stock, entering the amount in its annual budget.

3. It should be distinctly understood that the powder is to be used in all barracks, hospitals, and cantonments, instead of lime, charcoal, or any other disinfectant, and that the saving of the expense of these articles should be set against the cost of the article from England.

4. I have consulted Dr. Hewlett on the total quantity required per annum for thorough and efficient conservancy of all regiments and stations, and we find that no less than 100 tons for European troops, and 200 tons for native troops, per annum will suffice.

5. The mode of calculation is based upon that given in detail by Dr. Gorringe in his report, which allows 50 pounds per regiment per diem for European troops. Taking, therefore, their average strength at 12,000, 100 tons will be required per annum. If three times that number of native troops (including followers, &c.) be taken, it will not be safe to estimate less than double the amount required for Europeans, or a total of 300 tons per annum.

6. It is stated that the prime cost of the article at the manufacturers named in the margin, is about 10 *l.* per ton, freight should be reckoned at 1 *l.* a ton, and a margin left for insurance, so that the first year's supply would cost about 3,500 *l.*, to be increased or diminished afterwards as experience may prove.

I have, &c.
(signed) M. Stovell,
Principal Inspector General,
Medical Department.

srs. McDougall
o., Rega-street,
de-hill, Man-
ter.

(E.)

(No. 5913, of 1863-64.)

From the Commissary General of the Army to the Quartermaster General of the Army.

Commissary General's Office, Bombay,
16 January 1864.

Sir,

WITH reference to your letter, No. 103, dated 13th instant, I have the honour to state that the Examiner of Commissariat Accounts informs me that the cash expenditure during 1862-63 for lime, salt, and charcoal, for deodorizing purposes on account of European troops, native troops, and military cantonments was as follows:—

	Quantity.	Amount.	TOTAL.
	<i>Pounds.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>
European Troops:			
Lime - - - - -	11,83,603	8,968 11 6	
Salt - - - - -	23,836	568 13 7	
Charcoal - - - - -	2,26,572	2,707 1 -	
			12,244 10 1
Native Troops:			
Lime - - - - -	2,95,957	2,510 10 9	
Salt - - - - -	976	11 14 10	
Charcoal - - - - -	18,328	219 - 8	
			2,741 10 3
Military Cantonments:			
Lime - - - - -	88,214	433 12 1	
Salt - - - - -	354	10 12 6	
Charcoal - - - - -	3,009	27 11 7	
			472 4 2
TOTAL - - - Rs.			15,458 8 6

I have, &c.
(signed) *J. B. Dunsterville*, Lieutenant Colonel,
Commissary General.

My dear Marriott,

22 February 1864.

I HAVE looked over these interesting papers, which I now return.

Before reading Dr. Gorrings's report, I was not aware of the composition of McDougall's powder. The name, as is so generally the case in these matters, puts one quite astray. The principal agent is in reality sulphite of lime, that is a compound of sulphurous acid, the suffocating gas produced by the burning of sulphur and lime; there is also quick-lime in very large proportion, and just enough crude carbolic acid to give it a smell. I have satisfied myself on these points by a hasty examination of the powder, but I have not had time to make a quantitative analysis. I believe the carbolic acid has extremely little to do with the deodorization, in fact the instantaneous effect is solely due to the sulphite of lime and the quick-lime; the sulphite of lime also checks the putrefaction, and this is also the effect of the carbolic acid, so far as it goes. The powder is, therefore, a convenient form for using fumes of sulphur, which I recommended to Dr. McLennan, years ago, as the cheapest deodorizer.

The passage in the third paragraph of Dr. Hewlett's letter to which you referred, means this, that ordure mixed with the powder, would reach the fields as manure undecomposed, that is, with no loss of nitrogen in the form of ammonia, but still susceptible of decomposition, a condition essential to its fertilizing action, and this, I have scarcely a doubt, is correct.

You will observe the expenditure on the present system for salt for burning, the most unscientific and useless operation that it is possible to conceive. I suppose the salt is afterwards thrown into the necessaries, in which case, by pickling the ordure, it may do something to preserve it, though not to deodorize it.

Believe me, &c.
(signed) *Robert Haines*.

(Military Department.—No. 1426.)

Deodorizants.—McDougall's Patent Disinfecting Powder.

Bombay Castle, 27 May 1864.

LETTER from the President of the Sanitary Commission, dated 30th March 1864, on the efficacy of "McDougall's Patent Disinfecting Powder," for general use in hospital and barrack latrines.

Letter from the Quartermaster General, No. 245, dated 27th January 1864, on the same subject.

Resolution—Copies of these proceedings will be sent to the Government of India, the Government of Madras, and to the Secretary of State.

The Secretary of State will be requested to send the supplies as recommended by the Principal Inspector General, Medical Department, and by the Sanitary Commission. An indent will be framed accordingly.

So soon as these supplies shall be received, the present supplies of deodorizants will be discontinued.

With reference to Dr. Haines' notice of the present use of salt, the Quartermaster General is requested to report in what manner and for what purpose the salt is now used.

(signed) *W. F. Marriott*,
Colonel, Secretary to Government.

To the Principal Inspector General, Medical Department.

(With three Copies of the Proceedings.)

To the President, Sanitary Commission.

(With ten copies.)

The Quartermaster General.

(With three copies.)

(No. 2721—588, W.)

Sir,

India Office, 26 September 1864.

A REQUISITION having been received from Bombay for a large quantity of "McDougall's Patent Disinfecting Powder," for general use in hospital and barrack latrines, I am directed to request that you will be good enough to obtain, as early as possible, for Sir C. Wood's information, the opinion of the Sanitary Committee as to the value of the powder in question as a deodorizing agent.

I am, &c.

(signed) *T. T. Pears*, Major General,
Military Secretary.

The Secretary,
Sanitary Committee, War Office.

Sir,

War Office, 24 November 1864.

WITH reference to Major General Pears' letter, of the 26th September last, No. 2721—588 W., requesting the opinion of the Barrack and Hospital Improvement Commission as to the value of McDougall's Patent Disinfecting Powder, as a deodorizing agent for general use in hospital and barrack latrines, I am directed to forward, for the information of the Secretary of State for India, in Council, the enclosed memorandum by the Commission upon this subject.

I have, &c.

(signed) *J. J. Frederick*,
Secretary to Barrack and Hospital
Improvement Commission.

The Under Secretary of State
for India.

MEMORANDUM by the Barrack and Hospital Improvement Commission, on
McDougall's Patent Disinfecting Powder.

1. In replying to Sir Charles Wood's request that the Barrack and Hospital Improvement Commission state its opinion as to the efficacy of McDougall's Disinfecting Powder for barrack and hospital latrines in India, it is necessary to consider the uses to which this substance is proposed to be put, and also its efficacy when compared with other substances.

2. A great variety of disinfectants have at different times been manufactured, some of them gaseous, some fluid, some solid; and the effect, more or less, of all of them, when properly used, is to destroy odour either by bringing about a chemical change in the odorous particles, or by arresting the putrefaction of substances giving rise to odours: certain of them appear to act in both ways.

3. McDougall's Disinfecting Powder appears to have the power of arresting decomposition for the time, while it also destroys odours.

4. The first question which arises out of this fact, the destruction of smell, is, to what extent (if any) would these disinfectants be useful in protecting the public health of a station, when applied to the destruction of odours proceeding from decomposing substances?

In replying to this question, it is necessary to state that smell proceeding from decomposing matters, is intended by nature as a warning against danger: that the true use of the warning is not merely to destroy the smell and leave the substance, but either to remove the offending matter to a distance from human dwellings, or to get away from it.

It has never been shown that organic matter, after being deodorized, has ceased to be dangerous; while, on the other hand, it is known that the generation of disease has been promoted by effluvia from organized matter in a state of decomposition while effluvia were little, if at all, appreciable to the sense of smell.

5. Disinfectants, as a means of preserving health, are of doubtful efficacy, and their use for such purpose should not be sanctioned.

6. If it be intended, in using McDougall's or any other disinfectant for privies of barracks and hospitals in India, to supersede thereby the necessity for sanitary works, and for introducing economical and civilized methods of removing excreta by sewerage, drainage, and water, we would recommend that disinfectants should not be authorised.

7. This Commission in their "suggestions," for sanitary works for Indian stations, has already pointed out the most economical methods by which latrines both of barracks and hospitals can be supplied with water, sewered, drained, and made safe as regards health, and by which, even in the climate of India, nuisance could be avoided. They would strongly recommend that these works, in combination with other drainage works required for removing refuse water of ablution rooms, baths, &c., should be proceeded with as soon as possible, so as to obviate, at the same time, risk to health, and the nuisance resulting from the present defective arrangements.

8. This being our opinion, it remains for us to consider whether disinfectants can be used with safety for merely temporary purposes.

9. No disinfectant applied to a barrack latrine can compensate for the necessity of frequent removal of the matter, and for a camp latrine of removal and filling up at short intervals, and in each case for perfect cleanliness; hence, if it were proposed to use any disinfectant merely to render frequent cleansing and removal less necessary than it would be if the offensive smell were allowed to remain, we should recommend that no disinfectants be used, but that cleaning at short intervals be imperative.

10. The first point to determine is, how often a barrack or hospital latrine, in the absence of drainage and water, should be cleansed by hand removal? As

regards barracks, twice a day is not too often to remove the vessels and their contents. For out-door hospital latrines the same measure might be adopted, but for latrines connected with hospital wards, immediate removal of the offending matter can alone ensure the required degree of safety.

11. Suppose, then, that until suitable works of water supply and drainage are executed for a station, a well-organised system for removing excreta, such as that indicated above, is brought into operation, it may become a question whether disinfectants may be used merely to remove the odour arising between the times of cleansing. For health this would hardly be necessary; for comfort it might be allowable, if the cost is no barrier.

But if the use of disinfectants, under such circumstances, were likely to lead to any relaxation in the rigidity of the system of removal, they had better never be used at all.

12. The only safe rule of sanitary police is, to aim at removing all refuse away from barracks and hospitals as soon as it is produced.

13. The next question is, whether McDougall's powder possesses any special advantages for the purposes stated above. During the Crimean War it was tried under various circumstances, and favourably reported on to the War Office. It was also tried in cavalry stables at home, and found to be useful. But another substance, peat charcoal, has been very strongly recommended, and has been extensively used for various purposes, and apparently with equal efficacy.

The quantity of peat charcoal directed by the War Office to be provided for horse transports was double the weight of McDougall's powder, and this may be taken as a measure of the relative effect, weight for weight, of the two substances. For moveable latrines the one substance would answer as well as the other; indeed, any charcoal dust would destroy smell.

14. McDougall's Disinfecting Powder is magnesian lime and carbolic acid. Ordinary quick-lime answers the same purpose, though not so fully; but for temporary use (and no other use should be thought of), ordinary lime will be as efficacious for latrines as the more expensive article to be sent out from England.

15. For latrine-pits for field use, dry sand or earth in larger quantity answers as well as charcoal or lime for a short time.

16. It will be seen that the question whether McDougall's powder, lime, or charcoal should be used, is really one of expense and of cost of transport. Judging from experience, we would say that any powdered charcoal, or new slaked lime, in powder, produced in India, would answer the mere temporary purposes proposed.

This might be readily obtained on the spot, and tried in India, and it might be reported on before the cost of any other disinfecting substance sent from England is incurred.

17. Whichever substance may be adopted for the proposed purposes, we are particularly desirous of repeating, that neither charcoal powder nor any other disinfectant should be used as a substitute for sanitary works, and for rapid removal of excreta to a distance.

18. We may state in conclusion, that when the camp at Aldershot was formed, the whole of the latrines were supplied with moveable vessels, to be taken away once every day by a contractor; but, after several years' experience, it has been considered necessary to abolish the system, and to supply the camp with drained water latrines. This has been already done for about three-fourths of the troops, scattered over an area of nearly 500 acres. The sewage and other manure are being applied to agricultural uses on about 150 acres of barren sand. The works for the purpose are considerably advanced, and in a few months all the refuse water and soil from the latrines will be utilized in this manner. The water latrines have answered perfectly, and are inodorous. In this, as in other instances, water has been found to be the best deodorizer, and

will be the cheapest vehicle for removing putrescent refuse matters. We know of no reason why the same method should not be used at most Indian stations.

(signed) *Richard Airey,*
Quartermaster General, President.

(signed) *Douglas Galton.*
John Sutherland.
J. B. Logan.
Edward Belfield.
Proby T. Cautley.
J. R. Martin.
Robert Rawlinson.

(signed) *J. J. Frederick,* Secretary,
Barrack and Hospital Improvement
Commission.

War Office,
19 October 1864.

MR. FREDERICK presents his compliments to Major General Pears, and begs to return herewith the memorandum by the Barrack and Hospital Improvement Commission, on McDougall's Disinfecting Powder; also the printed papers on that subject, received with a private note from Sir Proby Cautley, on the 27th November last, together with an additional memorandum by the Commission, after the persual of those papers.

War Office, Pall Mall,
30 December 1864.

London, 5 December 1864.

McDougall's Disinfecting Powder—Additional Papers.

I do not find any information in the Indian printed papers to, in any serious degree, alter the remarks of the Barrack and Hospital Commission as drawn up and signed 24th November 1864. If disinfectants of any sort are relied on to the neglect of removal by water in latrines or closets, or immediate removal by hand from hospital beds and wards, evil will result. "Disinfectants" are a palliation and excuse for defective works and neglect of duty in nine cases out of ten. Ordinary lime, in powder or in cream, dry earth, powdered charcoal, and similar cheap materials may be obtained in India suitable for all but exceptional surgical cases. McDougall's powder will be far too costly to use, in a general way, to foul latrines and privies.

(signed) *Robert Rawlinson.*

I concur in the opinion expressed above by Mr Rawlinson,

(signed) *J. Sutherland.*

I also concur,

(signed) *J. B. Logan.*
J. R. Martin.
Edward Belfield

I concur,

(signed) *D. Galton.*

I concur,

(signed) *R. Airey,*
Lieutenant General.

I concur,

(signed) *P. T. Cautley.*

COPY MILITARY DESPATCH to the Government of Bombay, No 5,
of 25 January 1865.

1. YOUR military letter, No. 29, of 1st June 1864, forwards correspondence with reference to a demand for 300 tons of McDougall's Patent Disinfecting Powder, for use in hospital and barrack latrines.

2. Before ordering a compliance with your requisition, I considered it desirable to obtain the opinion of the Sanitary Committee at the War Office as to the value of the powder in question as a deodorizing agent.

3. I now transmit for your information copy of a memorandum, dated 19th October last, which I have received from the Committee.

4. It will be seen that the Committee state, with respect to this powder, that "ordinary quick-lime answers the same purpose, though not so fully; but for temporary use (and no other use should be thought of) ordinary lime will be as efficacious for latrines as the more expensive article to be sent out from England."

5. Under these circumstances I shall defer, for the present, taking any steps to comply with the indent.

EAST INDIA (McDOUGALL'S DISINFECTING
POWDER).

COPY of a Despatch from the Secretary of the Bombay Government, dated 27 May 1864 (No. 1426), with its Enclosures, in reference to the Efficiency of McDougall's Disinfecting Powder, and requesting a Supply thereof for use as a Deodorizer in *India*; together with all other PAPERS or REPORTS at the India Office in reference to the subject.

(Colonel Sykes.)

Ordered, by The House of Commons, to be Printed,
6 March 1865.

EAST INDIA (M'DOUGALL'S DISINFECTING POWDER).

RETURN to an Address of the Honourable The House of Commons,
dated 27 March 1865 :—for,

A "COPY of any REPORT or REPORTS addressed to the HOME DEPARTMENT
on the Efficacy of M'DOUGALL'S DISINFECTANT, or of any EXPERIMENTS for
testing its Value."

Whitehall, }
31 March 1865. }

H. WADDINGTON.

Sir,

4, Old Palace Yard, 18 February 1856.

WE beg to acknowledge your letter of the 12th of September last, transmitting the enclosed documents relative to the proposed use of Mr. M'Dougal's patent disinfecting powder for the purpose of diminishing the dangers and annoyance of vaults, graveyards, and corpses previous to interment, and requesting us to report thereon.

We have the honour to report that having procured a sufficient quantity of the powder, we proceeded to try its effects both in destroying effluvia from animal matter already in a state of putrefaction, and in checking putrefaction in fresh animal matter. We find that if putrefying flesh or intestine be covered by a large quantity of the powder, the offensive odour is almost, but not entirely prevented; but that it is entirely prevented, if a solution of the powder in water is freely used. We found also that if fresh animal matter were imbedded in the powder none but a very slight offensive smell was given off; and we are of opinion that it might be safely used in substitution for charcoal in cases of vault burial, &c., but that the latter article has the advantage of being procurable at all places, whereas Mr. M'Dougal's patent powder can only be purchased from his own agents. The cost of the two articles does not materially differ.

There is, however, one use of the powder, which, if it could be introduced, would tend to relieve clergymen, undertakers, and others connected with funerals from an annoyance of which great and frequent complaint is made, namely, that from offensive emanations arising from corpses before interment. We learn from our own experiments, as well as from the testimony of undertakers who have used the powder, especially Mr. Ogden of Manchester, that it is very effectual in preventing the effluvia arising from putrefaction. Mr. Ogden told Mr. Holland that he and his men were in the constant habit of using the powder very much to their own comfort, and to the satisfaction of his employers. He mentioned several cases in which dreadful annoyance from bodies which had rapidly passed into a state of decomposition was at once relieved by sprinkling upon and about the corpse a small quantity of the powder. The cost of this mode of using it is very small, and need not exceed a few pence, and the comfort seemed so great that Mr. Ogden says his men are unwilling to go to work without a supply of the powder. Mr. Ogden's practice is to dust over the bottom and sides of the coffin with the powder between the wood and the calico lining, to put a little of the powder between folds of flannel over the mouth and nostrils of the corpse, and, if it be very offensive, to sprinkle it over the shroud. There is no occasion for any exposure of the body; the powder being white does not occasion any appearance of dirt, and its use is attended with no inconvenience whatever, while it diminishes one of the most serious annoyances connected with burial (the disturbance of over-crowded soil excepted), that of offensive effluvia from corpses previous to interments.

We have, &c.

W. Massey, Esq., M.P.,
&c. &c. &c.
Home Office.

(signed) R. D. Grainger.
P. H. Holland.

EAST INDIA (M'DOUGALL'S DISINFECTING POWDER).

COPY of REPORT to the HOME DEPARTMENT ON
the Efficacy of M'DOUGALL'S DISINFECTING
POWDER.

(Colonel Sykes.)

Ordered, by The House of Commons, to be Printed,
3 April 1865.

EAST INDIA (MACHINERY IN JAILS).

RETURN to an Address of the Honourable The House of Commons,
dated 29 June 1865 ;—for,

“ COPY of a LETTER, dated the 10th day of June 1865, from the Secretary to the ‘Eastern Bengal Jute Manufacturing Company, Limited,’ to the Secretary of State for *India*, and of Mr. Under Secretary *Merivale’s* Reply thereto, dated the 22d idem, relative to the introduction of MACHINERY into the GOVERNMENT JAILS in *India* :”

“ And, EXTRACT from the PROCEEDINGS of the Lieutenant Governor of *Bengal* during February 1865, containing a LETTER from Dr. *Mouat*, Inspector General of Jails in the Lower Provinces, to the Secretary to the Government of *Bengal*, on the same subject.”

India Office, }
30 June 1865. }

For the Judicial Secretary,
G. A. F. SHADWELL.

(*Mr. Crawford.*)

Ordered, by The House of Commons, to be Printed,
3 July 1865.

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22 June - „	Under Secretary of State for India.	A. Forbes, Esq	Informing him that the mode of the employment of convicts will be left to the Local Government.	5
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COPY of a LETTER, dated the 10th day of June 1865, from the Secretary to the "Eastern Bengal Jute Manufacturing Company, Limited," to the Secretary of State for *India*, and of Mr. Under Secretary *Merivale's* Reply thereto, dated the 22d idem, relative to the introduction of MACHINERY into the GOVERNMENT JAILS in *India*: and, EXTRACT from the PROCEEDINGS of the Lieutenant Governor of *Bengal*, during February 1865, containing a LETTER from Dr. *Mouat*, Inspector General of Jails in the Lower Provinces, to the Secretary to the Government of *Bengal*, on the same subject.

From *A. Forbes*, Esq., to the Right Honourable Sir *Charles Wood*, Bart.,
Secretary of State for India.

Eastern Bengal Jute Manufacturing Company, Limited.

2, East India Avenue, Leadenhall-street, E.C.,
London, 10 June 1865.

Sir,

I HAVE the honour to state that I have been instructed by the Directors of this Company to bring to your notice the statement in a Calcutta paper, that "Machinery is to be introduced into the Alipore Jail (in Calcutta), for the preparation of yarn, to be used by the prisoners in making gunny cloth, by means of hand-loom, at an expense of one lakh of rupees." I have been informed that, with reference to this subject, it is stated in a report from India, received in your office, that "it is not intended that the Alipore Jail should enter into competition with outside manufacturers. All that is proposed is to buy a small machine, just sufficient to supply enough yarn to keep the weavers employed. The weaving of gunny bags is about the best work for convicts. It is simple, easily learnt, and, as it exercises every muscle in the body, it is a healthy employment, and at the same time a tolerably severe punishment. Chiefly for this reason, I think an effort should be made to ensure gunny weaving being always the principal manufacture of the jail."

I have the honour to state that I have had the advantage of consulting Mr. Duff, the gentleman who first established at Barnagore, in the neighbourhood of Calcutta, works for the spinning and weaving of jute, by means of machinery driven by steam. In consequence of the information he has given me, and that derived from other sources, I am enabled to reply to the above statement, and I would respectfully submit that I shall be able to show cause why the request of the Directors, that you should interpose your veto to the introduction of steam machinery for this or any other purpose into Indian jails, should be complied with.

1. It is said that "it is not intended that the Alipore Jail should enter into competition with outside manufacturers." If we look to the past history and present system of management of Indian jails, we may be permitted to doubt whether it will be possible not to compete with outside manufacturers, if machinery is introduced to assist in the development of the gunny bag weaving. It is one great object of the management of Indian jails, that they should be as profitable as possible, and the jailors are encouraged to make them so by being paid a large per-centage on jail manufactures. In Alipore there are very extensive bakeries, which supply excellent bread to a great part of the town. It cannot be said that this does not interfere with the outside manufacturer. It does so in a great degree, that good private bakers find it difficult to compete against the jail, and therefore few good private bakers exist. Some eight or ten years ago

printers made a very good profit, and a joint stock company, which had been formed for the purpose of book and ornamental printing, was a great success. This was no sooner proved than printing presses were bought for Alipore Jail, and a great part of the Government printing was transferred to that establishment, notwithstanding that for a very considerable time it was wretchedly executed, and much confusion and delay was occasioned. About the same time printing presses were established in all the Secretariats of Government, in the great jail at Agra, and in various places throughout the country, and the private printing trade was ruined, while the cost of printing to the Government has, it is said on high authority, been greatly increased. Jute spinning and weaving is now the favourite speculation among "outside manufacturers," who have within the last ten years invested, and are still investing, large sums in it. No sooner has the venture been proved by the success of the Borneo Company, the Goonipore, and other works, to be a profitable one, than we find Government following in their wake, and purchasing jute-spinning machinery, to be erected first in Calcutta, and afterwards, there can be little doubt, at all the principal jails in India, for the argument with regard to the healthiness of the employment will apply to them as well as to the Alipore Jail. There would probably be some modification as to the particular fibre to be operated upon. In the Upper Provinces the machinery would spin cotton, in the Punjab, wool or silk; but the consequence of this admission of the small end of the wedge in Alipore will be that the Government will become the monopolists of all manufacturers in the country, driving the "outside manufacturers" out of the field by its command of Government capital to start with, and of the cheap and compulsory labour of the prisoners, to keep their factories constantly at work.

2. "All that is proposed," it is said, "is to buy a small machine just sufficient to supply enough yarn to keep the weavers employed;" and I learn from the newspapers that the amount proposed to be spent is about 10,000 *l*. I am assured by Mr. Duff, that two systems of machinery which are required for the warp and weft respectively, to perform the different processes of teasing, carding, roving and spinning, will cost the Government at least 20,000 *l*. These machines, when fairly at work, will throw out of employment the large number of prisoners who are now engaged in hand spinning the yarn, an employment which, I may venture to say, is equally healthy and nearly as severe as weaving. But more than this, when the machines are at work, it would be found that they would produce more yarn than the weavers could work up, and would thus necessitate the introduction of power looms. Machinery would do in the Alipore Jail what it does everywhere, it would economise labour, and the prisoners would be left without anything to do except attending to the machines, the work of factory girls in Dundee.

3. I am informed by Mr. Duff, who has been accustomed for many years to give contracts to the Alipore and Hooghly jails for gunny bags, and who is well acquainted with the working of these jails, that the prisoners have ample employment in spinning the jute into yarn and weaving bags, which, when sold, give a handsome profit; and that the only effect that the introduction of spinning machinery would have, would be to enable them to produce a finer yarn, and to compete with the "outside manufacturers," in an article which they cannot now produce by hand.

4. Mr. Duff also tells me that it is the experience of the Borneo Company, that jute-spinning machinery on a small scale will not pay at all, and therefore if a "small machine" is erected in the Alipore Jail, it will either have to be given up as expensive, or the works will have to be so enlarged as to cause them to enter into very serious competition with "outside manufacturers." One of the principal items of expense is sufficient European superintendence, without which machinery is worse than useless. The staff of the Borneo Company consists of 20 Europeans, whose salaries average 500 *l*. a year each.

5. If it is the intention of the Government of India to make the jails of the country a source of revenue, or even self-supporting, and if the means through which it is proposed to do this is to establish within the walls of the jails, and to work by convict labour, those trades which the "outside manufacturer" has proved

proved by large expenditure of time, capital, and labour, to be profitable, I would respectfully submit that it would be but just that the Government of India should give notice that such is the policy it intends to adopt, and this Company and others formed like it, for the application of English capital to India, would be forewarned of the dangers they run, and of the formidable competition they will have to encounter. But if (as I have the honour to submit it is) it be contrary to the true principles of Government that the State should, especially by means of convict labour, come into competition with the outside manufacturer, I would respectfully pray you, sir, to send orders to Calcutta countermanding the indent for jute-spinning machinery for the Alipore Jail.

I have, &c.
(signed) *A. Forbes*, Secretary.

From the Under Secretary of State for India to *A. Forbes*, Esq.

Sir,

India Office, 22 June 1865.

I AM directed by Secretary Sir C. Wood to acknowledge the receipt of your letter of the 10th instant, respecting the introduction of machinery into the Alipore Jail for the preparation of yarn to be used by the prisoners in making gunny cloth.

Sir Charles Wood has carefully considered the arguments adduced by you against the introduction of machinery into the Alipore Jail, but as he is of opinion that the mode of the employment of convicts in the jails in India ought to be left to the several local governments, he must decline to issue the orders suggested in your letter under reply.

A. Forbes, Esq.,
2, East India Avenue, Leadenhall-street.

I am, &c.
(signed) *H. Merivale*.

(No. 49.)

EXTRACT from the PROCEEDINGS of the Lieutenant Governor of *Bengal* for February 1865.

From *F. J. Mouat*, Esq., M.D., Inspector General of Jails, Lower Provinces, to the Honourable *A. Eden*, Secretary to the Government of Bengal (No. 3541, dated 15 February 1865).

For some months past it has been found difficult, and now it has become impossible, to find remunerative hard work for a large number of the convicts in the Alipore Jail. The consequence will be a serious falling off in the productive industry of the prison, and has been a diminution of hard labour for men sentenced to rigorous imprisonment.

2. Upon instituting careful inquiry into the matter, I find that the falling off is due to the impossibility of preparing a sufficient quantity of yarn to keep all the looms at work by means of hand labour; and even were it possible to make as much as could be manufactured into gunny, that labour is too light for hardened offenders.

3. To meet the difficulty, and to enable the Superintendent to have a constant supply of material to keep all his prisoners at hard and remunerative labour, the introduction of machinery for the preparation of yarn to be manufactured into gunny cloth by means of hand-looms, has become absolutely necessary.

4. The following estimate of the cost of the machinery necessary to manufacture

6 CORRESPONDENCE RELATIVE TO THE INTRODUCTION OF

facture 100 maunds of raw jute into yarn has been furnished by Messrs. Jessop & Co., of this city :—

	£.
A 30-horse power steam engine - - - -	900
Eight teasers, at 40 l. each - - - -	320
Seven carding engines, at 150 l. each - - - -	1,050
Drawing frames - - - - -	280
Five roving frames - - - - -	900
Fifteen spinning frames - - - - -	937
Shafts, bobbins, &c. - - - - -	1,400
	5,787
Freight, landing charges, duty, &c. - -	2,302
	£. 8,089

or, with a margin for unforeseen contingencies, 85,000 rupees.

The buildings necessary to contain all this will not cost more than 15,000 rupees; the whole cost of the measure will, therefore, amount to about a lakh of rupees.

The daily cost of working the machinery is calculated at 232 rupees, viz.:—

	Rs.
Price of 80 maunds of raw jute, to be daily converted into yarn - - - - -	160
Daily consumption of coal - - - - -	12
Wages of engineers - - - - -	30
Wear and tear of machinery - - - - -	20
Contingencies - - - - -	10
Value of 64 maunds of yarn corresponding to 80 maunds of raw jute - - - - -	512

Deducting the cost of working from the value of the product, there will be a daily profit of 280 rupees, or an annual net return of 85,680 rupees. For the same outlay 100 maunds of jute can be converted into yarn with a corresponding increase of profits.

5. Upon the above calculations the Officiating Superintendent makes the following remarks:—

“In drawing up the estimate of expenses, everything was charged at the highest; for example, the engineers’ and assistant engineers’ salaries, both of which may perhaps be saved by employing European prisoners. And, in calculating the profits, the fact that we should always have a good supply of yarn to weave was not prominently brought forward.

“At present the jail has to buy yarn from, and is dependent on, the yarn spinning companies, and these companies often demand such a high price for the yarn that the weaving cannot be carried on profitably, and the prisoners are thrown off work.

“While making inquiries about the price of machinery, I learnt that private jute spinners are determined to oppose, as far as they can, the introduction of machinery into jails.

“I mention this, not because I think the Government will pay the slightest attention to such antiquated views of trade and manufacture, but simply to show how the manufacturers wish to monopolise such a profitable manufacture, and how confident they are that the introduction of machinery into the jail will be profitable. It is scarcely necessary for me to mention that it is not intended that the Alipore Jail should enter into competition with outside manufacturers. All that is proposed is to buy a small machine, just sufficient to supply enough yarn to keep the weavers employed.

“The weaving of gunny bags is about the best work for convicts; it is simple, easily learnt, and, as it exercises every muscle in the body, is a healthy employment, and, at the same time, a tolerably severe punishment. Chiefly for this reason I think an effort should be made to ensure gunny weaving being always the principal manufacture of the jail.”

6. I entirely

6. I entirely concur in the soundness of the opinions expressed by Dr. Fawcus, and I am quite satisfied that without in any way interfering with the free market, the introduction of the necessary machinery into the Alipore Jail will find hard and suitable labour for those of its inmates who are not employed in the press, and that it will yield a net profit to the State of at least a lakh of rupees annually, for the machinery will be able to produce 100 maunds of yarn daily.

7. Without the introduction of machinery the jail will cease to be self-supporting, and it is very difficult to find any other handicraft equally primitive, profitable, and easily acquired: conditions that should always, if possible, be associated in a jail.

The cost of this measure can be met from the Convict Labour Fund, and the whole outlay will be reimbursed by the out-turn of the first year of the introduction of the machinery.

8. Early orders are solicited, as it will take some months to have the whole in efficient working order should it be sanctioned.

EAST INDIA (MACHINERY IN JAILS).

COPY of LETTER, dated 10th June 1865, from the Secretary to the "Eastern Bengal Jute Manufacturing Company, Limited," to the Secretary of State for *India*, and of Mr. Under Secretary *Mervel's* Reply thereto, dated the 22d idem, relative to the introduction of MACHINERY into the GOVERNMENT JAILS in *India*; &c.

(*Mr. Crawford.*)

*Ordered, by The House of Commons, to be Printed,
3 July 1865.*

MAILS (INDIA, CHINA, AND AUSTRALIA).

RETURN to an Order of the Honourable The House of Commons,
dated 6 April 1865;—for,

COPIES “ of a MEMORIAL dated the 20th day of January 1865 (with the Signatures attached, and covering Letter), from Merchants, Bankers, and others of *London*, to Her Majesty’s Postmaster General, on the subject of the Despatch of the MAILS to *India, China, and Australia*: ”

“ And, of the REPLY to the same, dated the 30th day of March 1865.”

General Post Office, }
19 April 1865. }

J. TILLEY,
Secretary.

R. W. Crawford, Esq., M.P., to the Postmaster General.

71, Old Broad-street, London,
20 January 1865.

My Lord,

I HAVE been requested to place in your Lordship’s hands the accompanying Memorial from the principal merchants and bankers of this City engaged in the trade with the East, in which your Lordship’s attention is drawn to the loss of time and general inconvenience attending the dispatch of the Mails on fixed days of the month, but varying days of the week, and a suggestion is made that instead thereof, for reasons which are strongly felt, the mail *via* Marseilles shall be dispatched on the evening of Friday in every week.

I venture to express the hope that the unanimity of opinion upon the subject in question, indicated by the number and character of the signatures attached to the Memorial, will secure your Lordship’s co-operation in carrying the proposed change into effect.

I have, &c.
(signed) *R. W. Crawford*.

The Right Honourable
The Lord Stanley of Alderley,
Her Majesty’s Postmaster General.

MEMORIAL enclosed in Mr. *R. W. Crawford*’s Letter.

To Her Majesty’s Postmaster General, Post Office, London.

My Lord,

London, 11 January 1865.

WE, the undersigned merchants, bankers, and others engaged in commercial and monetary transactions with the East, wish to bring under your Lordship’s notice the inconvenience attending the present system of dispatching the East India, China, and Australian mails, and to submit for your consideration a proposal for changing the times of their departure.

The East India mails *via* Marseilles are now dispatched on the 3d, 10th, 18th, and 26th of each month. This arrangement causes the mail day to fall on a constantly changing day of the week, and when that day is Sunday the mail is postponed until the Monday following, thus causing a loss of not less than three days, because the business transacted on Saturday and Monday is of a very restricted character, and the really important intelligence to be transmitted is that of the preceding Friday. This loss of time happens practically in the case of nearly one-half of the mails dispatched in the course of the year.

It is suggested that a weekly mail, to be fixed on one convenient day, will be far more suitable to the habits and arrangements of men of business, especially those who have fixed weekly engagements, and for the regular and methodical transmission of mercantile correspondence. The dispatch of the American mails by the Cunard steamers is an instance in point.

If the Indian mails were invariably dispatched on Friday evening, the letters they carry would contain the Bank of England account, and all the financial and market intelligence of the week up to the latest moment; no transactions of importance being effected on Saturdays, Friday appears to be in every way the best day for selection.

The proposed arrangement will involve the dispatch, yearly, of four additional mails to India, two to China, and one to Australia, and a like additional number from each of those places. Your Memorialists have no doubt but that the countries named will be very grateful for the additional postal communication with England which they would thus enjoy.

We have, &c.

(Signed)

Baring Brothers & Co.
H. D. and James Blyth, Greene
and Co.
Morris, Prevost & Co.
Asiatic Banking Corporation :—
J. W. Lawrence, Acting Mana-
ger.
Schuster, Son & Co.
C. Devaux & Co.
Frith, Sands & Co.
D. Sassoon & Co.
Finlay, Campbell & Co.
Arbuthnot, Latham & Co.
Scott, Bell & Co.
Gledstanes & Co.
Dent, Palmer & Co.
Alexander Fletcher & Co.
Henckell, Du Buisson & Co.
R. & J. Henderson.
Frühling & Goschen.
For the Borneo Company, Limited:
—John Harvey, Managing Di-
rector.
Richardson, Findlay & Co.
Smith, Fleming & Co.
Rimington, Cartwright & Co.
Oriental Bank Corporation :—A.
Campbell, Acting Chief Mana-
ger.
For the Chartered Mercantile Bank
of India, London, and China :—
D. J. Robertson.
Crawford, Colvin & Co.
Forbes, Forbes & Co.
Finlay, Hodgson & Co.
Gregson & Co.
Matheson & Co.
Daniell & Co.
Byramjee, Cama & Son.
Small & Co.
For the Agra & Masterman's Bank,
Limited :—M. Balfour, General
Manager.
For the Commercial Bank Corpo-
ration of India and the East :—
R. Angus, Chief Manager.
For the Central Bank of Western
India :—R. Davidson, Agent.
For the Bank of Hindustan, China,
and Japan, Limited :—J. Ouseley,
General Manager.
For the Land Mortgage Bank of
India, Limited :—W. J. Fitz-
william, Director.

T. A. Gibbs & Co.
Martin, Robertson & Co.
Pro Burzorjee, Sons & Co. :—S.
Burzorjee.
Grey & Coles.
Cassumbhoy, Nathabhoy, Sons &
Co.
Cowsajee, Goldie & Co.
Durrumsey Poonjabhoy.
L. Reis, Bros. & Co.
For the Chartered Bank of India,
Australia, and China—Geo. U.
Adam, Manager.
N. M. Rothschild & Sons.
Thos. & W. Smith.
F. Green & Co.
James Barber & Co.
Dadabhai, Naoroji & Co.
Kelson, Tritton & Co.
Gladstone, Ewart & Co.
Fearon & Co.
Robert Benson & Co.
John Campbell & Co.
Robert Smith & Co.
Pro W. H. Smith, Barry & Co.
—P. Jonas.
E. Chatterley.
Pro Thorne & Co.—H. Thorne.
The Assam Company—*Pro* W. H.
Winhurst.
Forman, Limjee & Co.
Gillespie, Churchill & Co.
D. D. Cama & Co.
Mody & Co.
Bomanjee, Framjee, Cama & Co.
Alex. Crow & Co.
Smith, Elder & Co.
A. Habibbhoy, Son & Co.
S. P. Framjee & Co.
Bhimsey, Sewjee & Co.
Bowering, Allison & Co.
Duff, Cadell & Co.
Reynolds, Mann & Co.
Pro Hickie, Borman & Co. :—
J. R. D. Hickie.
Denney, Bailey & Co.
John Ranking & Co.
Cotesworth & Powell.
Coles, Brown & Co.
Lenox, Nephew & Co.
Pro Coupland Bros. :—W. Thomson.
Somes, Mullens & Co.

Mr. *F. Hill* to Mr. *R. W. Crawford*, M.P.

Sir,

General Post Office, 30 March 1865.

WITH reference to the Memorial which you transmitted to the Postmaster General on the 20th January last, from merchants, bankers, and others, suggesting that the East India mails should be dispatched from London on the evening of every Friday, instead of four times in each month, I am directed by his Lordship to inform you that this Department has, for a long time past, been alive to the advantage which would be derived from an arrangement under which those mails would be dispatched on a fixed day in each week; but that it has been deterred from the adoption of such an arrangement by the large additional expense which it would probably cause in a service already entailing a heavy loss.

Any change in the days for the dispatch of the Indian mails would of course affect the dispatch also of the mails for Australia, which are carried as far as Point de Galle by the Indian Mail Packets; and, in consequence of the receipt of the Memorial referred to, the form of tender which had been issued for the conveyance of the Australian mails has been altered with a view of ascertaining what would be the extent of the additional cost for this portion of the whole service, in the event of the mails being dispatched every fourth week instead of once in a calendar month.

The tenders are to be sent in on the 10th of next month, and when received, they will, in addition to other information already obtained, afford the means of judging what would be the probable cost of the entire service, beyond that which is now paid, if the proposed arrangement were carried into effect.

R. W. Crawford, Esq., M.P.

&c. &c. &c.

71, Old Broad-street, E.C.

I am, &c.
(signed) *F. Hill.*

M A I L S
(INDIA, CHINA, AND AUSTRALIA).

COPIES of a MEMORIAL, dated 20 January 1865
(with Signatures attached, and covering Letter),
from Merchants, Bankers, and others of *London*,
to Her Majesty's Postmaster General, on the
subject of the Despatch of the MAILS to *India*,
China, and *Australia*; and, of the Reply to the
same, dated 30 March 1865.

(Mr. Crawford.)

Ordered, by The House of Commons, to be Printed,
25 April 1865.

MAILS (ENGLAND AND INDIA).

RETURN to an Order of the Honourable The House of Commons,
dated 26 May 1865;—for,

COPY “of any MEMORIALS (with the Signatures attached and covering Letters)
received by Her Majesty’s Postmaster General from the Indian Presidencies
relative to the dispatch of a WEEKLY MAIL between *England and India*.”

General Post Office,)
7 June 1865. }

JOHN TILLEY,
Secretary.

MEMORIAL of Merchants, Bankers, and Others, resident in *Madras*.

To the Right Honourable Lord *Stanley of Alderley*, Her Majesty’s Postmaster
General, London.

My Lord,

Madras, 21 March 1865.

WE, the undersigned merchants, bankers, and others, resident in Madras, and having business connections with various parts of Europe, have learned with deep interest that a Memorial has been presented to your Lordship by the leading firms in London engaged in the trade with the East, suggesting that the Eastern Mails shall be despatched from London once a week instead of four times a month, and that the time fixed for the weekly despatch shall be Friday evening.

In the reasons given by the London Memorialists for the desired alterations we entirely concur, and we look upon it not in the light of a mere addition to the number of mails despatched annually, but rather as likely to add materially to the value of the advices conveyed to us by each mail.

A corresponding weekly despatch from India would of course be the complement of this arrangement: your Memorialists trust that the day of departure from Calcutta would be so fixed as to avert the possibility of the steamer’s stay of 24 hours at Madras falling on Sunday.

Your Memorialists desire to commend the proposal to your Lordship’s favourable consideration, and to express their conviction that its adoption would call forth the gratitude not only of the commercial community, but also of all European residents who have ties of kindred or friendship with the land of their birth.

We have, &c.

(signed) *Dymes & Co.*
Walker & Co.
C. Shand & Co.
W. F. G. Irvine, Agent,
Central Bank of Western India.
For the Oriental Bank Corporation,
“*J. F. Moir*, Agent, Madras.
Lecot & Co.
Arbuthnot & Co.
Bainbridge, Byard, Gair & Co.
Binny & Co.
F. de Souza Cammiade & Co.
Parry & Co.

T. J. Dymes, Cartwright & Co.
C. J. Robinson & Co.
J. Maxwell & Co.
Pro P. B. Cama & Co.,
Du Patch,
Cammiade, Martin & Co.
The Agra and Masterman’s Bank,
Limited,
W. Birks, Manager.
For the Chartered Mercantile Bank of
India, London, and China,
J. D. Robinson, Agent.

Mr. *Herman Merivale*, c. B., to the Secretary, General Post Office.

Sir,

India Office, S.W., 27 May 1865.

I AM directed by the Secretary of State for India in Council to transmit to you the accompanying Memorial addressed by the Members of the Bombay Chamber of Commerce to Her Majesty's Postmaster General, and forwarded to this office by the Government of Bombay, for favourable consideration, relative to the establishment of a weekly mail service between England and Bombay.

I am, &c.

(signed) *Herman Merivale*.

The Secretary, General Post Office.

MEMORIAL of the Members of the Bombay Chamber of Commerce.

To the Right Honourable Lord *Stanley of Alderley*, Her Majesty's Postmaster General.

The Memorial of the Members of the Bombay Chamber of Commerce,

Respectfully sheweth,

THAT the Bombay Chamber of Commerce has learned with deep interest and satisfaction that the principal merchants and bankers of London having trading and monetary relations with India and the East, have addressed a Memorial to your Lordship, praying for the establishment of a weekly mail to India on regular fixed days of the week, and pointing out Friday as the day which, for all mercantile and general purposes, would be found most convenient.

2. That the reasons set forth in the London Memorial for the establishment of a weekly mail to India on a fixed day of the week have the entire concurrence of the Members of the Chamber, and they earnestly hope that it may be in your Lordship's power, in furtherance of the great interests concerned, to comply with the suggestions and the wishes of the Memorialists at an early date.

3. That the reasons given in the London Memorial for a weekly mail to India on a fixed day of the week, apply with equal force in support of the establishment of a weekly mail to England from this side of India.

4. That the want of weekly mail communication from Bombay to England has been long felt, and the recent completion of telegraphic communication between India and England *via* the Persian Gulf has now made more frequent means of postal communication with England than at present exist from Bombay, a first necessity for the satisfactory transaction of mercantile business.

5. That the geographical position of Bombay, its proximity to Europe, as compared with the other Presidency towns, and the convergence upon it of the leading Indian lines of railway now rapidly tending towards completion, all point to it as the fitting *entrepôt* for weekly postal communication between India and Europe.

6. Your Memorialists, in supporting the London Memorial, and asking for the completion of the same, by praying for the establishment of a corresponding weekly despatch of mails from Bombay, desire, in conclusion, to say that the
evening

evening of Thursday, or the morning of Friday, would be the most convenient time of despatch for the mercantile community of this place.

And your Memorialists will ever pray.

Ritchie, Stewart & Co.
Ewart, Latham & Co.
Cardwell, Parsons & Co.
Peel, Cassels & Co.
W. and A. Graham & Co.
Geo. S. King & Co.
Campbell, Mitchell & Co.
Lawrence & Co.
P. pro. Killick, Nixon & Co.,
J. May Somerville.
Finlay, Scott & Co.
Roger Price & Co.
Passmore & Co.
J. Sigg & Co.
Jules Siegfried & Co.
Fulcher, Cooper & Co.
P. pro. Ralli, Bros.,
A. V. Ralli.
Framjee, Sands & Co.
Ward and Warland.
Hahn, Kühn & Co.
J. N. Wadia's, Sons & Co.
Gaddum & Co.
H. Glasson & Co.
P. p. S. Burstall & Co.,
Thos. R. Booth.
Knoop & Co.
Nasmyth & Co.
 For the Agra & Masterman's Bank
 Limited,
Jos. Hilbery.
W. Nicoll & Co.
Grey & Co.
Wallace & Co.
Lyon, Brothers, & Co.
A. H. Huschke & Co.
Martin, Young & Co.
Volkard, Brothers, & Co.
Macindoe, Rogers & Co.
P. pro. Leckie & Co.,
H. B. H. Turner.
P. pro. Leggatt & Co.,
Fred. Hoyer.

Alex. C. Brice & Co.
P. pro. Edward Bates & Co .
P. Adams.
P. pro. Comber, Son, & Co.,
Abram Simpson.
Robinson & Co.
P. pro. Ashburner, Bell & Co.,
Fras. Barker.
Stearns, Hobart & Co.
C. Macdonald & Co.
Montaulard & Tallada.
Finlay, Clark & Co.
P. p. Rennie, Scovell & Co.,
J. Wilson.
P. p. Souza, Pinto & Co.,
Pat. Chrystel.
Watson, Bogle & Co.
 For the Commercial Bank Corporation
 of India and the East.
 (Name illegible) Agent.
 For the Chartered Mercantile Bank of
 India, London, and China,
George Robinson, Agent.
 For the Comptoir d'Escompte de
 Paris.
Otto Müller, Manager.
 For the Royal Bank of India,
J. Gordon, Manager.
 For the Bombay Presidency Bank,
 Limited,
Robert J. Pringle, Manager.
 For the Chartered Bank of India, Aus-
 tralia, and China,
J. L. Brodie, Agent.
 For the Bank of Hindustan, China,
 and Japan, Limited,
A. Thomson, Manager,
 For the Scinde, Punjaub, and Delhi
 Bank Corporation,
J. G. James, Manager.
B. H. Cama.

Bombay Chamber of Commerce,
 April 1865.

James Taylor,
 Secretary to the Bombay Chamber
 of Commerce.

MAILS (ENGLAND AND INDIA).

COPIES of MEMORIALS received by Her Majesty's Postmaster General from the Indian Presidencies relative to the Dispatch of a WEEKLY MAIL between *England* and *India*.

(*Mr. Crawford.*)

*Ordered, by The House of Commons, to be Printed,
9 June 1865.*

MAIL CONTRACTS (INDIA, CEYLON, &c.)

RETURN to an Order of the Honourable The House of Commons,
dated 6 April 1865;—for,

RETURNS “of all subsisting CONTRACTS for the CONVEYANCE of MAILS between *England* and *India, Ceylon, Mauritius, China, and Australia*, via *Alexandria*, including those entered into by the Local Governments :”

“And, of the Power and Tonnage of the several Vessels employed, the Voyages performed, Distances run, Rate of Speed, Rate of Charges and Deductions, and Amount payable for the Years 1863 and 1864, under such Contracts.”

General Post Office, }
9 May 1865. }

JOHN TILLEY,
Secretary.

THE contracts for the conveyance of mails between England and India, Ceylon, Mauritius, China, and Australia, *viâ* Alexandria, entered into by Her Majesty's Government and now subsisting, are four in number, viz. :—

No. 1. For the India and China service, dated 1st January 1853.

No. 2. For the Bombay and Aden service, dated 7th July 1854.

No. 3. For the service between Point de Galle and Sydney, dated 16th April 1861.

No. 4. For the Mauritius service (made on behalf of the Colony of Mauritius), dated 16th April 1861.

CONTRACT No. 1.

[General Contract of 1st January 1853.]

INDIA, CHINA, &c. MAILS.

ARTICLES OF AGREEMENT made this first day of January, in the year of our Lord One thousand eight hundred and fifty-three, between the Peninsular and Oriental Steam Navigation Company of the one part, and the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (for and on behalf of Her Majesty) of the other part.

1. Witness, that the said Company hereby covenant, promise, and agree with the said Commissioners for and on behalf of Her Majesty, that the said Company shall and will at all times during the continuance of this contract, or so long as the whole or any part of the service hereby agreed to be performed ought to be performed in pursuance thereof, provide, maintain, keep seaworthy and in complete repair and readiness for the purpose of conveying as hereinafter provided all Her Majesty's mails (in which designation all despatches and bags of letters are agreed to be comprehended) which shall at any time or times, or from time to time, by the said Commissioners, or Her Majesty's Postmaster General, or any of the officers or agents of the said Commissioners or Postmaster

Company to convey
mails,

twice each way every calendar month, between England and Alexandria, and between Suez, Calcutta, and Hong Kong, by not less than 15 steam vessels, each not less than 1,100 tons ;
and also employ not less than two vessels twice each way between Marseilles and Malta ;
and not less than two vessels between Singapore and Sydney ;

those vessels to be of not less than 600 tons.

Company to convey mails to satisfaction of Admiralty, as mentioned in Tables 1 to 5.

Vessels to be furnished with machinery, tackle, &c.

And manned with officers with certificates under 13 & 14 Vict. c. 93, or other Acts as to certificates ;

and a medical officer to supply medicines gratis to those conveyed under the Contract.

Vessels, officers, and crew subject to Admiralty approval.

Designs, &c. of vessels to be submitted to Admiralty.

Armament of vessels.

General, be required to be conveyed twice each way every calendar month between England and Alexandria in Egypt, and twice each way every calendar month between Suez in Egypt, Calcutta in India, and Hong Kong in China, by means of a sufficient number, not less than fifteen, of good, substantial, and efficient steam vessels, each of such vessels to be of not less than eleven hundred tons burden, and supplied with first-rate appropriate steam engines ; and also a sufficient number of good, substantial, and efficient steam vessels (not less than two) to be employed twice each way every calendar month in the conveyance of Her Majesty's mails between Marseilles in France, and the island of Malta ; and likewise a sufficient number of good, substantial, and efficient steam vessels (not less than two) to be employed each way every alternate calendar month in the conveyance of Her Majesty's mails between Singapore in the Straits of Malacca, and Sydney in New South Wales ; each of such vessels to be employed between Marseilles and Malta, and between Singapore and Sydney, to be of not less than six hundred tons burden, and supplied with first-rate appropriate steam engines.

2. That the said Company shall and will during the continuance of this contract in every case diligently, faithfully, and to the satisfaction of the said Commissioners, convey the said mails on board the said vessels respectively, as mentioned in the Tables of Routes numbered 1 to 5 inclusive hereunto annexed, and all the stipulations, clauses, matters, and things mentioned or contained in the said tables shall form part of this contract, and be observed, kept, and performed by the said Company accordingly ; and, subject to such stipulations, clauses, matters, and things, and to the other stipulations of this contract, the said vessels shall depart from and arrive at the several places as mentioned in such tables on the days and at the hours or times of the day or night therein respectively mentioned or specified.

3. That all the vessels employed under this contract shall be always supplied and furnished with all necessary and proper machinery, engines, apparel, furniture, stores, tackle, boats, fuel, oil, tallow, provisions, anchors, cables, fire pumps, and other proper means for extinguishing fire, lightning conductors on Sir Snow Harris's or other approved principle, charts, chronometers, proper nautical instruments, medicines, medicaments, and whatsoever else may be requisite and necessary for equipping the said vessels, and rendering them constantly efficient for the service hereby contracted to be performed ; and also manned and provided with competent officers with appropriate certificates, granted pursuant to the Act 13 & 14 Vict. c. 93, or to the Act or Acts in force for the time being relative to the granting certificates to officers in the merchant service, and also a medical officer, to be approved of by the said Commissioners, and who shall give medical attendance, medicines, and medicaments gratis to all persons conveyed under or by virtue of this agreement, or whose passage money may be paid for, in whole or in part, by the public, and with a sufficient number of efficient engineers, and a sufficient crew of able seamen and other men, to be in all respects as to vessels, engines, equipments, engineers, officers, and crew, subject in the first instance, and from time to time, and at all times afterwards, to the approval of the said Commissioners, and of such other persons as shall at any time or times, or from time to time, have authority under the said Commissioners to inspect and examine the same ; and the said Company shall, previously to any vessel being built for, or which is intended to be employed in the performance of this contract, submit the designs, plans, and sections of each and every of such vessels to the said Commissioners, and be bound to adopt such fittings, scantling, and such dispositions of hatchways as the said Commissioners shall declare in writing to be necessary for carrying and firing the following armament, that is to say :—

BOW AND STERN PIVOT.				BROADSIDE.		
	Tons.	No.	Cwt.	No.	Cwt.	
And upwards.	1,100	1 10-inch	85	4 32-pounder	40	Vessel with paddle-wheels.
	800	1 32-pounder	56	4 32-pounder	25	
		1 8-inch	65			
And upwards.	600	1 32-pounder	45	4 32-pounder	17 carr ^{ds}	Vessel with screws.
	1,100	-	-	8 32-pounder	40	
	800	-	-	8 32-pounder	25	
	600	-	-	8 32-pounder	17	

4. That all the vessels which are to be employed under this contract shall be tried under the direction of an officer to be appointed by the said Commissioners; and unless it be shown to the satisfaction of the said Commissioners that each of such vessels of one thousand one hundred tons burden or upwards, on being tried for a measured mile, attains the speed of twelve knots an hour, with coals on board, and loaded so as to float down to the load line of the hull, and without the aid of sails, and that each of such other vessels with coals on board, and loaded as aforesaid, and without the aid of sails, attains the speed of ten-and-a-half knots an hour, the same shall not be employed in the several services hereby contracted to be performed.

As to trial and speed of vessels.

5. That the said Company shall and will, at their own cost and charge, at all times during the continuance of this contract, at a speed which on the average of each voyage of each vessel shall not be less than ten knots an hour, convey Her Majesty's mails; excepting those to be conveyed between Singapore and Sydney, which shall be conveyed at a speed which on the average of each voyage of each vessel shall not be less than eight-and-a-half knots an hour.

Mails to be conveyed at not less than 10 knots an hour, except between Singapore and Sydney; those to be at average of $8\frac{1}{2}$ knots.

6. That one of such vessels of not less than one thousand one hundred tons burden, so appoved of and equipped and manned as aforesaid, and with Her Majesty's mails on board, shall, on the twentieth day of January one thousand eight hundred and fifty-three, and also one of such vessels in the beginning, and another of such vessels in the middle of every succeeding month, on such days and at such hour as shall at any time or times, or from time to time be appointed by the said Commissioners, put to sea from Southampton, or from such other port in the United Kingdom, as the said Commissioners shall at any time or times, or from time to time appoint, so that an interval of about a fortnight is left between the days of the departure of the two vessels.

One vessel to leave 20 January 1853, one the beginning, and another the middle of every succeeding month, as Admiralty appoint, from Southampton or other port.

7. That each and every of the said vessels leaving the United Kingdom shall put to sea from Southampton, or from such other port in the United Kingdom, as the said Commissioners shall at any time or times, or from time to time appoint, and proceed direct to Gibraltar, where she shall arrive within one hundred and twenty-one hours from the time of her departure from Southampton, when Southampton is her port of departure from the United Kingdom.

Vessels to proceed from United Kingdom to Gibraltar, and arrive within 121 hours from Southampton.

8. That the said Commissioners for the time being, shall be at liberty, and have full power, on giving three calendar months' notice in writing under their hands, or the hand of their secretary, to the said Company, to substitute any other ports or port in the Mediterranean for Marseilles and Malta, or either of them, on payment of a reasonable compensation to the said Company for any additional expense, if any, that may be incurred by such substitution.

Admiralty may substitute other port for Marseilles and Malta.

9. That should it be deemed by the said Commissioners, or by any of their authorised agents, requisite for the public service, that any vessel employed under this contract should delay her departure from the United Kingdom, or from any of the places herein, or in the said tables mentioned or referred to, beyond the periods herein, and in the said tables agreed upon, the said Commissioners, or such authorised agents, shall have power and be at liberty to order such delay, not however, exceeding twenty-four hours, by letter addressed by their secretary or other officer or agent of the said Commissioners to the master of any such vessel, or person acting as such, and which shall be deemed a sufficient authority for such detention, anything herein contained to the contrary thereof notwithstanding.

Admiralty or agents may delay vessels not exceeding 24 hours.

10. That if at any time or times, owing to stress of weather or any other unavoidable circumstances, any vessel employed in the performance of this contract shall not be able, in the opinion of the officer or person having charge of Her Majesty's mails, to reach in due course any of the places to which she ought to proceed, the same officer or person may and shall give such directions in writing, and make such alterations for the particular case, as shall seem most expedient to him for the performance of the service; and any directions or orders which he may give in such cases, shall be strictly obeyed by the master of every such vessel, who shall insert such alterations, and the reason thereof, in his log book, which shall, whenever required, be produced to the said Commissioners, or to any of their officers or agents.

Officer in charge of mails may make alterations in case of stress of weather.

Company to alter vessels as advanced state of science may suggest, and Admiralty may order improvements on granting compensation.

11. That the said Company shall and will, from time to time, and at all times during the continuance of this contract, make such alterations or improvements in the construction, equipments, and machinery of the vessels which shall be used in the performance of this contract as the advanced state of science may suggest, and the said Commissioners may direct; and that if at any time during the continuance of this contract, the progress of science should enable the vessels employed in the performance of this contract to be propelled at a much greater speed than hereinbefore provided, the said Commissioners may, if they think fit, order such necessary improvements to be made, granting such compensation to the said Company, as may by arbitration be determined to be due for the increased expenditure, if any, arising from the making of such improvements.

Company always to have vessels ready; and in case of any being disabled, to replace same.

12. That the said Company shall at all times during the continuance of this contract, have in constant readiness for the due execution of the services hereby contracted to be performed, vessels equal in number, tonnage, and efficiency to those hereinbefore stipulated to be provided; and shall, in every case of any of the said vessels becoming disabled, immediately, at their own cost and charge, replace the same by good and efficient vessels of similar tonnage, obtained by hire or otherwise.

Officer appointed by Admiralty, and servant, to be received on board, and considered as agent of Admiralty, with authority to require due execution of contract, and determine as to proceeding or putting into harbour, or assisting vessel in distress.

13. That the said Company shall receive and allow to remain on board each of the said vessels so to be and while employed in the performance of this contract, and also while remaining at any of the ports or places for return mails, and with or without mails in charge, an officer in Her Majesty's Navy to be appointed by the said Commissioners to take charge of the said mails, and also a servant of the said officer, if required, and that every such officer shall be recognised and considered by the said Company, and their officers, agents, and seamen, as the agent of the said Commissioners in charge of Her Majesty's mails, and as having full authority in all cases to require a due and strict execution of this contract on the part of the said Company, their officers, servants, and agents, and to determine every question, whenever arising, relative to proceeding to sea or putting into harbour, or to the necessity of stopping to assist any vessel in distress, or to save human life; and that the decision of such officer as aforesaid shall in each and every such cases be final and binding on the said Company, unless the said Commissioners, on appeal by the said Company, shall think proper to decide otherwise. But it is understood the above expression, "to determine every question," shall not confer upon such officer the power of compulsion in such cases.

Decision of officer final, unless Admiralty on appeal decide otherwise.

First class cabin, &c. to be provided for officer, with place for deposit of mails.

14. That a suitable first-class cabin, with appropriate bed, bedding, and furniture, shall, at the cost of the said Company, be provided and appropriated by them for and to the exclusive use and for the sole accommodation of every such naval officer, and also a proper and convenient place of deposit on board, with secure lock and key, for Her Majesty's mails; and that each and every of the said officers shall be victualled by the said Company as a chief cabin passenger, without any charge being made either for his passage or victualing; and that, should all or any of such officers require a servant, such servant shall be also provided with a proper and suitable berth, and be duly victualled, by and at the cost of the said Company, without any charge being made for the same.

Officer to be victualled, and his servant be provided for, by Company

Mails to be delivered and received, and naval officer to be conveyed to and from the shore, and direction of officer obeyed as to mode, &c. of receiving and delivering mails.

15. That Her Majesty's mails shall be delivered and received at each of the places to which the said vessels are to proceed in the performance of this contract; and that at each port or place where the said mails are to be delivered and received, the said naval officer having charge of Her Majesty's mails shall, whenever and as often as by him deemed practicable or necessary, be conveyed on shore, and also from the shore to the vessel employed for the time being in the performance of this contract, together with or (if such officer consider requisite for the purposes of this contract) without Her Majesty's mails, in a suitable and seaworthy boat of not less than four oars, to be furnished with effectual covering for the mail bags, and properly provided, manned, and equipped by the said Company; and that the directions of the said naval officer shall in all cases be obeyed as to the mode, time, and place of receiving and delivering Her Majesty's mails.

Admiralty may entrust mails to master of vessel, who is to

16. That if the said Commissioners shall, during the continuance of this contract, or of any part thereof, think fit to entrust the charge and custody of the mails to the masters of all or any of the vessels to be employed in the performance

formance of this contract, and in all cases when the naval officer, or other person appointed by the said Commissioners to have charge of Her Majesty's mails, shall be absent, the masters of all or any of such vessels shall, without any charge to the public, take due care of, and the said Company shall be responsible for the receipt, safe custody, and delivery of the said mails; and each of such masters shall make the usual declaration or declarations required, or which may hereafter be required, by Her Majesty's Postmaster General in such and similar cases, and furnish such journals, returns, and information to and perform such services as the said Commissioners, or any of their agents, may require; and every such master having the charge of such mails shall himself, immediately on the arrival at any of the said ports or places of any vessel so conveying the same, deliver all Her Majesty's mails for such port or place into the hands of the postmaster of the port or place where such mails are to be delivered, or into the hands of such other person as the said Commissioners shall direct and authorise to receive the same, receiving in like manner all the return or other mails to be forwarded in due course.

make usual declaration, and receive and deliver mails.

17. That the said Company shall not, nor shall any of the masters of any of the vessels employed or to be employed under this contract receive or permit to be received on board any of the vessels employed under this contract any letters for conveyance, other than those duly in charge of the said naval officer or other person authorised to have charge of the said mails under or by virtue of this contract, or which are or may be privileged by law; and the said naval officer or other person shall report to the said Commissioners any default in this respect, and in case of any such default the said Company shall be liable to be proceeded against for a breach of this contract.

Company not to receive on board any other letters than those in charge under this Contract.

18. That if the said Company fail to provide an efficient vessel, in accordance with the terms of this contract, ready to put to sea from any one of the following ports or places, that is to say, Southampton, Alexandria, Suez, Calcutta, Hong Kong, Singapore, or Sydney, on and at the duly appointed day, hour, or time, then, and in each case, and as often as the same shall happen, the said Company shall forfeit and pay unto Her Majesty, her heirs and successors, the sum of five hundred pounds, and also the further sum of five hundred pounds for every successive day up to the fourteenth day inclusive which shall elapse until such vessel shall actually proceed to sea on her voyage with Her Majesty's mails on board in the performance of this contract.

Penalty for not putting to sea from certain ports at day and hour appointed, 500 £.; and 500 £. for every successive day up to the 14th.

19. And in case any vessel employed or to be employed in the performance of this contract shall, in breach of this contract, not start, or shall delay starting at the appointed time, or shall put back or return into port after starting, or shall stop or linger on her voyage, or shall deviate from her direct course (except from stress of weather or other unavoidable circumstance), without the sanction in each and every case of the officer authorised to have the charge of the said mails, then and in each and every of such cases, and as often as the same shall happen, the said Company shall forfeit and pay unto Her Majesty, her heirs and successors, the sum of two hundred pounds, and also the further sum of two hundred pounds for every day during which she shall not start or shall delay starting, or shall remain in port, after any such return thereto; but nevertheless so that the said Company shall not in any case be liable to any penalties under this contract if the default be proved to the satisfaction of the said Commissioners to have arisen from circumstances over which the said Company and their servants had not and could not have had any control.

Penalty for delay in starting, &c. 200 £.; and 200 £. for every day's delay;

and as to when Company not liable to Penalties.

20. That every naval officer authorised to have the charge of the said mails shall, either alone or with such other persons as he may consider necessary, have full power and authority, as often as he may deem it requisite, to examine and survey, in such manner, and with the assistance of such persons as he may think proper, any of the vessels employed or to be employed in the performance of this contract, and the hulls, machinery, equipments, and crew thereof, on his giving reasonable notice in writing to the master for the time being of the vessel about to be examined, or to the person acting as such, of such his intention; and if any defect or deficiency be ascertained, and notice thereof in writing be given to such master or person, and if the said master shall not immediately or as soon as possible thereupon remedy, replace, or effectively repair or make good every such defect or deficiency, the said Company shall in every such case forfeit and

Officer may survey vessels, &c., and deficiency to be remedied under penalty of 200 £.

pay to Her Majesty, her heirs and successors, the sum of two hundred pounds ; but the payment of such penalty shall not in anywise release or discharge the said Company from remedying, replacing, or effectively repairing or making good such deficiency or defect, or from being considered to have committed a breach of this contract.

Admiralty or agents may survey vessels, &c., and if vessel unseaworthy, and alterations required, not to be employed until alterations, &c. made to satisfactions of Admiralty, under a penalty of 500 l.

21. And that the said Commissioners shall also have full power, whenever and as often as they may deem it requisite, to survey, by any of their officers or agents, all or every the vessels employed and to be employed in the performance of this contract, and the hulls thereof, and the engines, machinery, furniture, tackle, apparel, stores, equipments, and the officers, engineers, and crew of every such vessel, the said vessels to be opened in their hulls whenever the said officers may require ; and if any such vessel or any part thereof, or any engines, machinery, furniture, tackle, apparel, boats, stores, or equipments, shall on any such survey be declared by any of such officers or agents unseaworthy, or not adapted to the service hereby contracted to be performed, or if the said Commissioners shall deem it necessary or expedient that any alteration or improvement shall be made therein or any part thereof, in order to keep pace with the more advanced state of science, every vessel which shall be disapproved of, or in which such deficiency, defect, or want of improvement shall appear, shall be deemed inefficient for any service hereby contracted to be performed, and shall not be employed again in the conveyance of Her Majesty's mails until such defect or deficiency shall have been repaired or supplied, or the alterations or improvements, as the case may be, shall have been made to the satisfaction of the said Commissioners ; and if employed before such defect or deficiency shall have been supplied, or such alterations or improvements, as the case may be, shall have been made to the satisfaction of the said Commissioners, the said Company shall forfeit and pay to Her Majesty, her heirs and successors, the sum of five hundred pounds.

Company and their agents, &c. to attend to orders of Admiralty or officers as to landing, &c. mails.

22. That the said Company, and all commanding and other officers of the vessels to be employed in the performance of this contract, and all agents, seamen, and servants of the said Company, shall at all times during the continuance of this contract punctually attend to the orders and directions of the said Commissioners, or of any of their officers or agents, as to the landing, delivering, and receiving Her Majesty's mails.

On requirement by Admiralty or agent a limited number of officers in the Navy, Army, or Civil Service, with wives, &c. to be received on board as chief cabin passengers ;

23. That the said Company shall and will, when and as often as in writing they or the masters of their respective vessels shall be required so to do by the said Commissioners, or by such naval or other officers or agents acting under their authority (such writing to specify the rank or description of the person or persons to be conveyed, and the accommodation to be provided for him or them), receive, provide for, victual, and convey to and from and between any of the places to which any of the vessels are to proceed in the performance of this contract, on board each and every or any of the vessels to be employed in the performance of this contract (in addition to the naval officer authorised to have charge of the said mails), any number of naval, military, and civil officers in the service of Her Majesty, not exceeding eight in any one ship, with or without their wives and children, as chief cabin passengers, and any number of non-commissioned and warrant officers, not exceeding four in any one ship, with or without their wives and children, as fore cabin passengers, together with the servants of both chief and fore cabin passengers, and any number of seamen, marines, soldiers, or artificers in Her Majesty's service not exceeding ten in any one ship, with or without their wives or children, as deck passengers, to be always provided with effectual protection from rain, sun, and bad weather, and not exposed on deck without such competent shelter, due notice being given, if practicable, to the said Company, or to their agent at the port of embarkation.

and of non-commissioned and warrant officers, with wives, &c., as fore cabin passengers, together with servants ;

and of seamen, marines, soldiers, or artificers, &c., as deck passengers, with effectual protection from rain, &c.

Company also to convey between England and Alexandria additional military officers and soldiers, wives, &c., not exceeding 8 officers and 40 men.

24. That the said Company shall in like manner, and whenever and as often as required, as aforesaid, in addition to the passengers herein-before mentioned, also cause to be conveyed, provided for, and victualled, between England and Alexandria, on board the said vessels, any number of military officers and soldiers, with their wives and children and servants, that shall be required, not exceeding eight officers and forty men in each vessel.

Commissioned officers, &c., chief cabin passengers ;

25. That commissioned officers, their wives and children, shall be considered as chief cabin passengers ; non-commissioned and warrant officers, their wives and children,

children, as fore cabin passengers; and seamen, marines, private soldiers, artificers, and their wives and children, as deck passengers; and the said servants (in respect of accommodation) as the servants of chief cabin passengers.

non-commissioned officers, &c., fore cabin passengers; seamen, &c., deck passengers.

26. That each field officer, and every naval officer of equal or superior rank, shall be allowed ninety cubic feet of space in measurement for baggage, provided (except in the case of the Royal Engineers) such allowance shall not exceed eighteen hundred weight in weight, and all other officers in Her Majesty's naval and military service, and officers in the civil service, sixty cubic feet each, and that (except in the case of the Royal Engineers) such allowance shall not exceed twelve hundred weight in weight.

Each field and naval officer allowed 90 cubic feet measurement for baggage not exceeding 18 cwt.

All other officers 60 cubic feet not exceeding 12 cwt.

27. That the Royal Engineers shall be allowed the same measurement, but to extend in weight to twenty-seven hundredweight for field officers, and eighteen hundred weight for every other officer of the Royal Engineers.

Engineers same measurement, but to extend in weight to 27 cwt. for field officers, and 18 cwt. for other officers.

28. That soldiers of the Royal Artillery, and Sappers and Miners, and their wives, shall be allowed six cubic feet each for baggage, and all married officers, when accompanied by their wives or families, a further allowance not exceeding one half of that before mentioned, according to their rank and corps.

Soldiers of Artillery and Sappers, 6 cubic feet each for baggage. Married officers, when accompanied by wives or families, further allowance not exceeding one-half that before mentioned.

29. That for every company of the Royal Artillery embarked there shall be conveyed, free of all charge, the proper proportion of light field pieces and ammunition, if required; and that any hammocks and bedding which may be sent out for the use of troops or other persons embarked, shall be placed in charge of the officers authorised to have charge of Her Majesty's mails, and be brought back to England, if required, free from any charge for freight.

Field pieces for artillery to be received on board, and hammocks and bedding to be brought to England free.

30. That the victualling of officers, their wives and children, conveyed as chief cabin passengers, shall be the same as is usually allowed by the said Company to chief cabin passengers, their wives and children; the victualling of non-commissioned officers, their wives and children, conveyed as fore cabin passengers, shall be the same as is allowed to the boatswain and carpenter of the said Company's steam ships; and the victualling of seamen, marines, soldiers, and artificers, their wives and children, conveyed as deck passengers, shall be the same as is allowed to the seamen of the said Company's steam ships; and the victualling of the servants of officers, whether chief or fore cabin passengers, shall be the same as the servants of other chief and fore cabin passengers.

As to victualling of Admiralty passengers.

31. That the passage-money shall be paid in full of all charge for mess, including a pint of port or good foreign white wine and one bottle of malt liquor per day for each officer conveyed as a chief cabin passenger, and half a gill of spirits per day, or an equivalent, if not issued, for each warrant officer, non-commissioned officer, seaman, marine, soldier, artificer, and servant conveyed as a fore cabin or a deck passenger, at and after rates amounting only to two-thirds of the rates charged by the said Company for ordinary passengers of a similar description, the said Company carrying children under three years of age free, and charging for male servants one-half, and for female servants two-thirds of the rates charged for their employers.

Rates of passage-money which is to be in full for mess, wines, &c., and what the mess is to include.

Children under three carried free, male servants one-half, female servants two-third rates for employers.

32. That the payment for the passage ordered at the expense of the public for any person shall only be made on the production of the order for the passage, and of a certificate from the person, in the following form, viz.:

Certificate for passage-money.

"I hereby certify, that on the _____ I embarked at _____ as a passenger on board the mail steam packet _____ for passage to _____ and landed at _____ on the _____."

To this certificate the following addition is to be made in every case of a male cabin passenger, viz.:

"I further certify, that the first dinner meal taken on board was on the _____, and the last dinner meal on the _____"

"Dated this _____ day of _____."

And the correctness of the dates must be corroborated by the master of the packet, adding underneath the passenger's signature.

"The dates inserted in this certificate are correct.

"(Signature.)
"Master of the Packet."

Passage-money for families and wives of officers to be paid by officers, and what the rate is to be.

Passengers, exclusive of men, under 11 Geo. 4, c. 20.

All soldiers as deck passengers to have adequate protection from rain, &c.

Sums forfeited to be stipulated damages, and may be deducted or enforced as a debt to Her Majesty.

As to deductions from service money to be made if mails be otherwise conveyed from contract vessel.

Small packages to be received on board as directed by Admiralty, and conveyed free of charge.

Limited quantity of stores to be conveyed and delivered at rates as for private goods on two days' notice.

Admiralty at liberty to alter times of departure of vessels on timely notice, but not to necessitate employment of greater number of vessels.

33. That the passage-money for the families and wives of officers shall be paid to the said Company by the officers themselves, at rates never exceeding two-thirds of the rates charged for ordinary passengers of a similar description, their children under three years of age being conveyed free of charge.

34. That the passengers hereinbefore mentioned or referred to are to be exclusive of any men to be sent home under the provisions of the Act 11 Geo. 4, c. 20, the rate of passage for whom is to be, and to be paid for in accordance with the provisions of that Act.

35. That whenever the said Company shall convey any soldiers as deck passengers, other than those specially provided for by this contract, the said Company shall provide them with adequate protection from rain, sun, and bad weather, and they shall not be exposed on deck without such competent shelter.

36. That all and every the sums of money hereby stipulated to be forfeited and paid by the said Company unto Her Majesty, her heirs and successors, shall be considered as stipulated or ascertained damages, and shall and may be deducted and retained by the said Commissioners out of any monies payable, or which may thereafter be payable to the said Company, or the payment may be enforced as a debt due to Her Majesty, with full costs of suit, at the discretion of the said Commissioners.

37. That in the event of any accident occurring to the hull or machinery of one or more of the said contract vessels, arising from circumstances over which the said Company and their servants had not, and could not have had any control, and that in consequence thereof the mails should be carried on or conveyed by any of Her Majesty's, or of the East India Company's vessels, a deduction or abatement is to be made from the contract service money at the rate of six shillings and two-pence per nautical mile, while the annual payment is one hundred and ninety-nine thousand six hundred pounds, and at the rate of five shillings and sixpence per nautical mile, while the annual payment is only one hundred and seventy-nine thousand six hundred pounds, for the distance which the mails may have been so conveyed, such distance to be ascertained and determined by the hydrographer of the said Commissioners, or such amount shall be recoverable as a duty due to Her Majesty, with full costs of suit.

38. That the said Company shall and will receive on board each and every of the said vessels employed in the performance of this contract any number of small packages containing astronomical instruments, charts, wearing apparel, medicines, or other articles, and convey and deliver the same to, from, and between all or any of the said ports or places to or from which the said mails are to be conveyed in the performance of this contract, and also convey across the Isthmus of Suez such packages, when and as often as directed by the said Commissioners or their Secretary, as respects articles which may leave England, and as respects other articles conveyed when and as often as directed by the British naval officer in command at any port where the vessel may touch, free from all costs and charges; all also shall and will receive on board each and every of the said vessels, and convey and deliver to, from, and between all or any of the said ports or places, any naval or other stores, not exceeding ten tons in weight at any one time in any one vessel, at the rate of freight charged by the said Company for private goods, on receiving from the said Commissioners, or any of their officers or agents, two days' previous notice of its being their intention to have such stores so conveyed; and that the said Company shall in all cases be strictly responsible for the due custody and safe delivery of the said packages, articles, and stores.

39. That if at any time or times during the continuance of this contract the said Commissioners shall deem it requisite to alter the particular days, times, and hours of departure from, and arrival at all and every, or any of the ports or places to or from which Her Majesty's mails are to be conveyed under, or by virtue of this contract, they shall be at liberty, at any time or times, or from time to time, to alter the days and hours of departure and arrival, on giving a timely notice in writing of such their intention to the said Company; and the particular days, times, and hours of departure from, and arrival at all and every, or any of such ports or places which may be appointed by any such alteration in force for the time being, shall be deemed to be the days, times, and hours of departure and arrival of Her Majesty's mails under this contract, and shall be observed

observed and kept by the said Company accordingly: Provided always, that such alteration shall not necessitate the employment of any greater number of vessels than that hereinbefore specified. And in consideration of the due and faithful performance by the said Company of all the services hereby contracted to be by them performed, the said Commissioners do hereby agree that there shall be paid to the said Company, so long as they perform the whole of the said services in the manner and with such vessels as herein provided, by bills at sight, payable by Her Majesty's Paymaster General, a sum after the rate of one hundred and ninety-nine thousand six hundred pounds per annum, by equal quarterly payments, and with a proportionate part thereof should this contract terminate on any other day than a day of quarterly payment; to be subject, however, to the abatement of any deductions or forfeitures which the said Company may have incurred, as herein provided: Provided always, that from and after the expiration of six calendar months from the day on which the railway now constructing or which may be constructed across Egypt, shall be opened for public conveyance between Alexandria and Suez, there shall be paid to the said Company, so long as they perform the whole of the said services as aforesaid, a sum after the rate of only one hundred and seventy-nine thousand six hundred pounds per annum, in quarterly payments, in lieu of the said sum after the rate of one hundred and ninety-nine thousand six hundred pounds aforesaid. And it is hereby agreed that, in the event of the said vessels being ordered by the said Commissioners to leave any port or place in the United Kingdom instead of Southampton in performance of this contract, the said Company shall be entitled to receive compensation for the additional expense which they shall necessarily be compelled by such order to incur, and for the diminution of receipts which shall be occasioned thereby; and in case the said Commissioners and the said Company shall not agree as to the amount of compensation that is due to the latter, the matter shall be referred to two arbitrators, one to be chosen by the said Commissioners, and the other by the said Company; and in case of a difference of opinion between such arbitrators to an umpire, to be chosen by such arbitrators before they proceed in their reference, and the joint and concurrent award of the said arbitrators, or the separate award of the said umpire, when the said arbitrators cannot agree, shall be final and conclusive. And it is hereby agreed that the said Commissioners for executing the office of Lord High Admiral shall at any time during the continuance of this contract, if they shall consider it necessary for the public interest, have power and be at liberty to purchase all or any of the said vessels at a valuation, or to charter the same exclusively for Her Majesty's service, at a rate of hire to be mutually fixed and agreed on by them and the said Company; but if any difference should at any time or times arise as to the amount of valuation or hire so to be paid, such difference shall be referred to two arbitrators, one to be chosen from time to time by the said Commissioners and the other by the said Company; and if such arbitrators should at any time or times not agree in the matter or question referred to them, then such question in difference shall be referred by them to an umpire to be chosen by such arbitrators before they proceed with the reference to them, and the joint and concurrent award of the said arbitrators, or the separate award of the said umpire, when the said arbitrators cannot agree, shall be binding and conclusive upon all parties; and that the said Commissioners, in the case of hiring any such vessel, shall return the same to the said Company in the same state and condition as she was in at the time of any such hiring, reasonable wear and tear excepted; and if any difference should arise upon that point, the same shall be settled in the same manner as the amount for the hiring is to be settled in case of difference. And it is further agreed that, in case of such purchase or hire, the service hereby contracted to be performed shall be performed by other vessels of the Company of a similar description to the vessel or vessels purchased or hired, if they can in due and proper time furnish them, such other vessels, as to construction, machinery, equipment, and crew, to be subject to the same approval as other vessels employed under this contract; and in the event of the said Company being allowed by the said Commissioners to continue to perform only a portion of the service, there shall be paid to the said Company such annual sum of money as shall be agreed upon by the said Commissioners and the said Company, and in case of their differing as to the amount the difference

Payment to Company
for services.

Compensation to Com-
pany, if any other port
of leaving than South-
ampton, to be settled by
arbitration in case of
difference.

Admiralty may pur-
chase or charter vessels
at a rate to be settled
by arbitration in case
of difference.

In case of purchase or
hire Company to per-
form the service by
other vessels, subject
to Admiralty approval.

If part of service only
performed, amount to
be agreed on or settled
by arbitration.

Submission to arbitration may be made a rule of Court of Exchequer.

If mails stopped through Egypt, Admiralty to determine.

All postage at disposal of Postmaster General.

This contract to commence 1st January 1853 for 8 years, and then determine if 12 months' notice have been given.

If no such notice, contract to continue after 8 years until 12 months' notice.

Quarantine arrangements to be undertaken by Company.

Contract not to be assigned, &c.

In case of assignment or breach, Admiralty may determine contract without previous notice or compensation.

As to service of notices:

Contracts dated 26th December 1844 and 6th January 1849, to be in force only until 1st January 1853.

All vessels under those contracts to perform their voyages, and deliver and receive mails, as if they re-

to be settled by two arbitrators, or an umpire, to be chosen respectively as aforesaid. And it is agreed that any submission which may be made to arbitration in pursuance of this contract shall be made a rule of Her Majesty's Court of Exchequer, pursuant to the statute in that case made and provided, and that any witnesses examined upon any reference may be examined upon oath. That in the event of an entire stoppage of Her Majesty's mails through Egypt, such circumstances shall be investigated by the said Commissioners, in order that the said Commissioners may come to such determination as, in their opinion, the circumstances of the case may require. And it is hereby agreed that the whole postage of all mails, despatches, and letters of every description conveyed in the vessels employed under this contract, whether carried from or out of Her Majesty's dominions, or otherwise, shall be at the disposal of Her Majesty's Postmaster General. And it is hereby agreed and declared that this contract shall commence on the first day of January one thousand eight hundred and fifty-three, and shall continue in force for eight years, and then determine, if the said Commissioners shall, by writing under the hand of the Secretary of the Admiralty for the time being, have given to the said Company, or the said Company shall have given to the said Commissioners, twelve calendar months' notice in writing that this contract shall so determine; but if neither the said Commissioners nor the said Company shall give any such notice, this contract shall continue in force, even after the said term of eight years, until the expiration of a twelve calendar months' notice in writing as aforesaid, which may be given at any period of the year by either of the parties hereto to the other of them, and which last-mentioned notice may be given at any time after the expiration of the first seven years of this contract. And it is hereby distinctly understood that the said Company shall undertake for themselves all arrangements relative to quarantine as connected with the due and regular performance of the conditions of this contract. And it is hereby further agreed and provided that, without the consent of the said Commissioners, signified in writing under the hand of one of their secretaries, neither this contract nor any part thereof shall be assigned, underlet, or disposed of, and that in case of the same, or any part thereof, being assigned, underlet, or otherwise disposed of, without such consent signified as aforesaid, or in case of any breach of this contract on the part of the said Company, their officers, agents, or servants, in any respect, and whether there be or be not any penalty or sum of money hereby made payable by the said Company for any such breach, it shall be lawful for the said Commissioners for executing the said office of Lord High Admiral (if they think fit, and notwithstanding there may or may not have been any former breach of this contract), by writing under the hand of one of their secretaries for the time being, to determine this contract, without any previous notice to the said Company or their agent, nor shall the said Company be entitled to any compensation in consequence of such determination; but even if this contract be so determined, the payment of the sum of money hereinafter agreed to be made shall be enforced, should the same be not duly paid by the said Company, and the said Company shall continue liable for any liability which they may have incurred previous to any such determination. And it is also agreed that the notices or directions which the same Commissioners, or their secretary, officers, or other persons, are hereby authorised and empowered to give to the said Company, their officers, servants, or agents, may, at the option of such Commissioners, or their secretary, officers, or other persons, be either delivered to the master of any of the said vessels, or other officer or agent of the said Company in the charge or management of any vessel employed in the performance of this contract, or may be left for the said Company at their office or house of business in London. And it is hereby agreed that the contracts bearing date respectively on or about the twenty-sixth day of December one thousand eight hundred and forty-four, and on or about the sixth day of January one thousand eight hundred and forty-nine, and respectively made between the said Company of the one part, and the Commissioners for executing the office of Lord High Admiral, on behalf of Her Majesty, of the other part, shall be deemed and be considered to remain in force until the said first day of January one thousand eight hundred and fifty-three, from and after which day the same are hereby terminated and annulled; save and except that all vessels which shall have commenced or may commence any voyage in conformity with the said contracts, or either of them, shall continue and perform such voyage and voyages, and deliver and receive the

the mails during the same, as if such contracts remained in force with regard to any such vessels and services; but the said Company shall not be entitled to receive any payment or compensation for the same: Provided always, that if when this contract terminates any vessel or vessels should have started or should start with mails, in conformity with this contract, such voyage or voyages shall be continued and performed, and the mails be delivered and received during the same, as if this contract remained in force with regard to any such vessels and services; but the said Company shall not be entitled to any payment or compensation for the same. And lastly, for the due and faithful performance of all and singular the covenants, conditions, provisoes, clauses, articles, and agreements hereinbefore contained, which on the part and behalf of the said Company are or ought to be observed, performed, fulfilled, and kept, the said Company do hereby bind themselves and their successors unto our Sovereign Lady the Queen in the sum of thirty-five thousand pounds of lawful money of the United Kingdom, to be paid to our said Lady the Queen, her heirs and successors, by way of stipulated or ascertained damages hereby agreed upon between the same Commissioners and the said Company in case of the failure on the part of the said Company in the due execution of this contract or any part thereof.

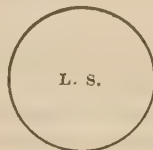
maintained in force without payment.

If when this contract terminates any vessel shall have started, voyage to be continued free of charge as if contract remained in force.

Company bound in 35,000 £. for due performance of contract.

In witness whereof the said Peninsular and Oriental Steam Navigation Company have hereunto set their corporate seal, and two of the said Commissioners for executing the office of Lord High Admiral have hereunto set their hands and seals, the day and year first above written.

Sealed with the seal of the Peninsular and Oriental Steam Navigation Company, pursuant to an order of a Board of Directors of the said Company, dated 24th June 1853, and such seal was affixed hereto in the presence of three of the Directors and of me the Secretary of the said Company, and in conformity with the terms of the deed of settlement.



C. W. Howell, Secretary.

Signed, sealed, and delivered by the said Commissioners, in the presence of

John James.

Alexr. Milne. (L.S.)

W. Cowper. (L.S.)

TABLE, No. I.

SOUTHAMPTON AND ALEXANDRIA LINE.—TWICE A MONTH.

DATES.		PLACES.	Distance in Miles.	Steaming.		Stoppages.		Coals.	From Southampton.	
Arrival.	Departure.			Days.	Hours.	Days.	Hours.		Days.	Hours.
—	4 & 20, 2 p.m.	From Southampton -	—	—	—	—	—	coal	—	—
9 & 25, 3 p.m.	9 & 25, 9 p.m.	„ Gibraltar -	1,172	5	1	—	6	—	5	1
14 & 30, 4 a.m.	14 & 30, 4 p.m.	„ Malta -	988	4	7	—	12	coal	9	14
18 & 4, 6 a.m.	21 & 7, 6 a.m.	„ Alexandria -	815	3	14	3	—	coal	13	16
24 & 10, 8 p.m.	25 & 11, 8 a.m.	„ Malta -	815	3	14	—	12	coal	—	—
29 & 15, 3 p.m.	30 & 16, 3 a.m.	„ Gibraltar -	988	4	7	—	12	—	—	—
5 & 21, 4 a.m.	- - -	„ Southampton -	1,172	5	1	—	—	coal	—	—
			5,950	25	20	4	18	—	—	—

The vessels plying between Marseilles and Malta will meet the above steamers as follows, viz.:—

Out at Malta, on the 14th and 30th.

Home at ditto, on the 24th and 10th.

The stay at Gibraltar may be extended, if specially required by the Admiralty Agent, but such extension is not in any case to exceed six hours.

The stay at Malta to be limited to 12 hours, provided that the outward express mail packet shall have arrived from Marseilles within that period, but the Admiralty Agent may specially detain the vessel at Malta for any period not exceeding 24 hours from the time of her arrival there.

The ordinary stay at Alexandria will be 72 hours, unless the mail from India shall have previously arrived at Alexandria, in which case she shall leave Alexandria with Her Majesty's mails as soon as coals can be got on board, and the requisite repairs to the vessel and her machinery can be effected. The stay may, however, be extended, if the vessel from India has not arrived at Suez within the 72 hours; not, however, beyond two days in the month of February, four days in each of the months of April, June, September, and November, and five days in each of the remaining months of the year, unless the steamer from Calcutta shall be telegraphed in sight at Suez, when the Alexandria steamer shall remain until the Indian mails are on board.

TABLE, No. II.

MARSEILLES AND MALTA LINE.—TWICE A MONTH.

DATES.		PLACES.	Distance in Miles.	Steaming.		Stoppages.		Coals.	From London.	
Arrival.	Departure.			Days.	Hours.	Days.	Hours.		Days.	Hours.
—	11 & 27, 8 a.m.	From Marseilles -	—	—	—	—	—	—	2	12
14 & 30, 5 a.m.	24 & 10, midnight	„ Malta -	650	2	21	12	19	coal	5	9
27 & 13, 9 p.m.	- - -	„ Marseilles -	650	2	21	11	11	—	5	9
			1,300	5	18	24	6	—	—	—

The mails *viâ* Marseilles will be made up in London on the 8th and 24th, and leave at 8 p.m. Sixty hours are allowed for transit through France and shipment at Marseilles.

The vessels from Marseilles and those from Southampton will then arrive at Malta at the same time.

TABLE, No. III.

SUEZ AND CALCUTTA LINE.—TWICE A MONTH.

DATES.		PLACES.	Distance in Miles.	Steaming.		Stoppages.		Coals.	From Southampton.	
Arrival.	Departure.			Days.	Hours.	Days.	Hours.		Days.	Hours.
—	—	From Calcutta	—	—	—	—	—	coal	—	—
—	20 & 6, 8 p.m.	„ Sandheads	116	—	—	—	—	—	—	—
23 & 9, 6 p.m.	24 & 10, 6 p.m.	„ Madras	664	2	22	1	—	coal	—	—
27 & 13, 3 a.m.	29 & 15, 3 a.m.	„ Point de Galle	540	2	9	2	—	coal	—	—
8 & 24, noon	10 & 26, noon	„ Aden	2,121	9	9	2	—	coal	—	—
16 & 2, 6 a.m.	21 & 7, 6 a.m.	„ Suez	1,310	5	18	5	—	coal	16	16
26 & 12, midnight	28 & 14, midnight	„ Aden	1,310	5	18	2	—	coal	22	10
8 & 24, 9 a.m.	10 & 26, 9 a.m.	„ Point de Galle	2,121	9	9	2	—	coal	33	19
12 & 28, 6 p.m.	13 & 29, 6 a.m.	„ Madras	540	2	9	—	12	coal	38	4
16 & 2, 3 p.m.	—	„ Calcutta	780	3	9	—	—	coal	42	1
				9,502	41	7	14	12	—	—

The steamers from Calcutta will arrive at Suez 48 hours previous to the arrival at Alexandria of the corresponding steamers from Southampton.

The steamer leaving Suez on the 21st of the month, having the London mails of the 4th and 8th of the month, will be met at Galle on the 8th of the following month by the steamer from Bombay to China, to which will be transferred the mails for China.

The steamer leaving Suez on the 7th of the month, having on board the London mails of the 20th and 24th of the previous month, will be met at Galle on the 24th of the same month in which it left Suez, by the steamer from Bombay to China, to which will be transferred the mails for China.

The ordinary stay at Suez will be 120 hours, unless the mail from England shall have previously arrived, in which case she shall leave Suez with Her Majesty's mails as soon as coals can be got on board, and the requisite repairs to the vessel and her machinery can be effected.

The steamers to be at liberty (from the month of October to the month of March inclusive) to touch at Cossier in the Red Sea, both on their outward and homeward voyage; the stoppage at that point in no case to exceed three hours.

The departures from Calcutta will be five days earlier in the months of May, June, and July, in consequence of the south-west monsoon.

The stay at Madras on the voyage to Suez may be prolonged 24 hours, and on the voyage from Suez 12 hours, if specially ordered in writing by the Admiralty Agent, but in no case must exceed that time.

The stay at Galle may in like manner be prolonged, in case of the non-arrival of the steamer from Hong Kong with the China and Australian mails; the total stay must not, however, exceed 120 hours, unless the vessel with the China and Australian mails shall be in sight.

The stay at Suez may be prolonged, in case of the non-arrival of the steamer at Alexandria, to 168 hours, but no longer, unless the said steamer be telegraphed, at the expiration of that period, as in sight at Alexandria.

In the event of a railway being constructed across Egypt from Alexandria to Suez, and the mails being conveyed at a greater speed than the passengers, such reasonable delay shall be allowed between the embarkation of the mails and the sailing of the steamers from either of the above-mentioned ports as may be considered by the Lords Commissioners of the Admiralty to be necessary for the arrival and embarkation of the passengers.

TABLE, No. IV.

BOMBAY AND CHINA LINE.—TWICE A MONTH.

DATES.		PLACES.	Distance in Miles.	Steaming.		Stoppages.		Coals.	From Southampton.	
Arrival.	Departure.			Days.	Hours.	Days.	Hours.		Days.	Hours.
—	4 & 20, 9 a.m.	From Bombay -	—	—	—	—	—	coal	—	—
8 & 24, 9 a.m.	9 & 25, 9 a.m.	„ Point de Galle	960	4	—	1	—	coal	33	19
14 & 30, 5 p.m.	14 & 30, 11 p.m.	„ Penang -	1,170	5	8	—	6	coal	40	3
16 & 2, 3 p.m.	18 & 4, 3 p.m.	„ New Harbour, Singapore.	388	1	16	2	—	coal	42	1
24 & 10, 10 p.m.	11 & 27, 2 p.m.	„ Hong Kong -	1,440	6	7	16	16	coal	50	8
17 & 3, 9 p.m.	19 & 5, 9 p.m.	„ New Harbour, Singapore.	1,440	6	7	2	—	coal	—	—
21 & 7, 1 p.m.	21 & 7, 7 p.m.	„ Penang -	388	1	16	—	6	coal	—	—
27 & 13, 3 a.m.	28 & 14, 3 a.m.	„ Point de Galle	1,170	5	8	1	—	coal	—	—
2 & 18, 3 a.m.	—	„ Bombay -	960	4	—	—	—	coal	—	—
			7,916	34	14	23	4	—	—	—

These steamers will arrive at Point de Galle from Bombay at the same time as those from Suez with London mails of the 4th, 8th, and 20th and 24th of the previous month, and will, on receiving the China mails, proceed direct to Hong Kong, *via* Penang and Singapore.

Every alternate month they will also take on a mail for Sydney, which, at Singapore, will be transferred to a steamer there waiting to receive it.

The departure from Hong Kong will be five days earlier in the months of May, June, July, and August, in consequence of the south-west monsoon.

A similar allowance to be made in the passage up the China seas during the north-east monsoon, viz., in the months of November, December, January, and February.

The Lords Commissioners of Admiralty and the Peninsular and Oriental Company have severally the power to order the steamers to call at one or more other places on the direct route between Bombay and Hong Kong, the aggregate stoppages not to exceed 12 hours.

TABLE, No. V.

SINGAPORE AND SYDNEY LINE.—EVERY ALTERNATE MONTH.

DATES.		PLACES.	Distance in Miles.	Steaming.		Stoppages.		Coals.	From Southampton.	
Arrival.	Departure.			Days.	Hours.	Days.	Hours.		Days.	Hours.
—	17, 3 p.m.	From Singapore -	—	—	—	1	—	coal	42	1
20, noon	21, noon	„ Batavia -	520	2	21	1	—	coal	45	22
2, noon	3, noon	„ King George's Sound.	2,098	11	—	1	—	coal	57	22
8, noon	8, midnight	„ Adelaide -	998	5	—	—	12	coal	63	22
11, 4 a.m.	11, 4 p.m.	„ Port Philip -	505	2	4	—	12	—	66	14
14, 6 p.m.	20, 6 p.m.	„ Sydney -	602	3	2	6	—	coal	70	4
23, 8 p.m.	24, 8 a.m.	„ Port Philip -	602	8	2	—	12	—	—	—
26, noon	27, noon	„ Adelaide -	505	2	4	1	—	coal	—	—
2, noon	3, 9 a.m.	„ King George's Sound.	998	5	—	1	—	coal	—	—
14, noon	14, midnight	„ Batavia -	2,098	11	—	—	12	coal	—	—
17, 9 p.m.	—	„ Singapore	520	2	21	—	—	coal	—	—
			9,446	48	6	12	—	—	—	—

The steamers on the Australian line will be at Singapore in readiness to meet the Bombay and China steamer with London mails of the 4th and 8th of the previous month, and will, at an interval of two months, meet the same line of steamers on the downward passage from Hong Kong for Point de Galle.

Four days extra to be allowed in the homeward voyage of the Sydney steamer, during the prevalence of the adverse trade wind.

The Lords Commissioners of the Admiralty are at liberty to require the homeward vessel to proceed direct from King George's Sound without stopping at Singapore, in which case the vessels are to arrive at Point de Galle on the 27th of the month.

CONTRACT No. 2.

[Contract of 7 July 1854.]

BOMBAY MAILS.

1. ARTICLES OF AGREEMENT made this seventh day of July in the year of our Lord one thousand eight hundred and fifty-four, between "The Peninsular and Oriental Steam Navigation Company" of the one part and the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (for and on behalf of Her Majesty) of the other part: Witness, That the said Company hereby covenant, promise, and agree with the said Commissioners for and on behalf of Her Majesty, that the said Company shall and will at all times during the continuance of this contract, provide, maintain, keep seaworthy and in complete repair and readiness for the purpose of conveying as hereinafter provided, all her Majesty's mails (in which designation all despatches and bags of letters are agreed to be comprehended) which shall at any time or times, or from time to time by the said Commissioners or Her Majesty's Postmaster General, or any of the officers or agents of the said Commissioners or Postmaster General, be required to be conveyed twice each way every calendar month between Bombay in India, and Aden in Arabia, by means of a sufficient number, not less than two, of good, substantial, and efficient steam vessels, each of such vessels to be of not less than eight hundred tons burthen, supplied with first-rate appropriate steam engines.

Company to convey mails

twice each way every calendar month, between Bombay and Aden, by not less than two steam vessels, of not less than 800 tons each.

2. That the said Company shall and will during the continuance of this contract, in every case diligently, faithfully, and to the satisfaction of the said Commissioners, convey the said mails on board the said vessels as mentioned in the Table of Routes hereinafter contained, and all the stipulations, clauses, matters, and things mentioned or contained in the said Table shall form part of this contract, and be observed, kept, and performed by the said Company accordingly; and, subject to such stipulations, clauses, matters, and things, and to the other stipulations of this contract, the said vessels shall depart from and arrive at the several places as mentioned in such Table on the days and at the hours or times of the day or night therein respectively mentioned or specified.

Company to convey mails to satisfaction of Admiralty, as mentioned in Table.

3. That all the vessels employed under this contract shall be always supplied and furnished with all necessary and proper machinery, engines, apparel, furniture, stores, tackle, boats, fuel, oil, tallow, provisions, anchors, cables, fire-pumps, and other proper means for extinguishing fire, lightning-conductors on Sir Snow Harris's or other approved principle, charts, chronometers, proper nautical instruments, medicines, medicaments, and whatsoever else may be requisite and necessary for equipping the said vessels, and rendering them constantly efficient for the service hereby contracted to be performed; and also manned and provided with competent officers with appropriate certificates, granted pursuant to the Act 13 & 14 Vict., c. 93, or to the Act or Acts in force for the time being relative to the granting certificates to officers in the merchant service, and also a medical officer, to be approved of by the said Commissioners, and who shall give medical attendance, medicines, and medicaments gratis to all persons conveyed under or by virtue of this agreement, or whose passage-money may be paid for, in whole or in part, by the public, and with a sufficient number of efficient engineers, and a sufficient crew of able seamen and other men, to be in all respects as to vessels, engines, equipments, engineers, officers, and crew, subject in the first instance, and from time to time, and at all times afterwards, to the approval of the said Commissioners, and of such other persons as shall at any time or times, or from time to time have authority under the said Commissioners to inspect and examine the same; and the said Company shall, previously to any vessel being built for, or which is intended to be employed in the performance of this contract, submit the designs, plans, and sections of each and every of such vessels to the said Commissioners, and be bound to adopt such fittings, scantling, and such dispositions of hatchways as

Vessels to be furnished with machinery, tackle, &c.

And manned with certificated officers

and a medical officer to supply medicines gratis to those conveyed under the Contract.

Vessels, officers, and crew subject to Admiralty approval.

Designs, &c. of vessels to be submitted to Admiralty.

the said Commissioners shall declare in writing to be necessary for carrying and firing the following armament, that is to say—

Armament of vessels.	BOW AND STERN PIVOT.				BROADSIDE.			
	Tons.	No.	Cwt.	No.	Cwt.			
And upwards	1,100	1	10-inch	85	4	32-pounder	40	} Vessel with paddle wheels.
		1	32-pounder	56				
	800	1	8-inch	65	4	32-pounder	25	
		1	32-pounder	56				
	600	1	32-pounder	45	4	32-pounder	17 carr ^{ds}	
And upwards	1,100	-	-	-	8	32-pounder	40	} Vessel with screws.
		-	-	-	8	32-pounder	25	
	800	-	-	-	8	32-pounder	25	
		-	-	-	8	32-pounder	17	
	600	-	-	-				

As to trial and speed of vessels.

4. That all the vessels which are to be employed under this contract may be tried under the direction of an officer to be appointed by the said Commissioners; and unless it be shown to the satisfaction of the said Commissioners that each of such vessels, on being tried for a measured mile, attains the speed of twelve knots an hour, with coals on board, and loaded so as to float down to the load line of the hull, and without the aid of sails, the same shall not be employed in the service hereby contracted to be performed.

Mails to be conveyed at not less than 10 knots an hour.

5. That the said Company shall and will, at their own cost and charge, at all times during the continuance of this contract, at a speed (which on the average of each voyage of each vessel shall not be less than ten knots an hour) convey Her Majesty's mails.

One vessel to leave Bombay on the 15th December 1854, and one vessel to leave Aden on the 28th December 1854.

6. That for commencing the said service one of such vessels so approved of and equipped and manned as aforesaid, and with Her Majesty's mails on board, shall, on the fifteenth day of December now next ensuing, put to sea from Bombay and proceed direct to Aden, and one of such vessels so approved of and equipped and manned as aforesaid, and with Her Majesty's mails on board shall, on the twenty-eighth day of December now next ensuing, put to sea from Aden and proceed direct to Bombay.

Admiralty or agents may delay vessels not exceeding 24 hours.

7. That should it be deemed by the said Commissioners, or by any of their authorised agents, requisite for the public service, that any vessel employed under this contract should delay her departure from each or either of the places herein, or in the said Table mentioned or referred to, beyond the periods herein and in the said Table agreed upon, the said Commissioners, or such authorised agents, shall have power and be at liberty to order such delay, not, however, exceeding twenty-four hours, by letter addressed by their secretary or other officer or agent of the said Commissioners to the master of any such vessel, or person acting as such, and which shall be deemed a sufficient authority for such detention, anything herein contained to the contrary thereof notwithstanding.

Officer in charge of mails may make alterations in case of stress of weather, &c.

8. That if at any time or times owing to stress of weather, or any other unavoidable circumstances, any vessel employed in the performance of this contract shall not be able, in the opinion of the officer or person having charge of Her Majesty's mails, to reach in due course each or either of the places to which she ought to proceed under this contract, the same officer or person may and shall give such directions in writing, and make such alterations for the particular case, as shall seem most expedient to him for the performance of the service; and any directions or orders which he may give in such cases shall be strictly obeyed by the master of every such vessel, who shall insert such alterations, and the reason thereof, in his log-book, which shall, whenever required, be produced to the said Commissioners, or to any of their officers or agents.

Company to alter vessels as the advanced state of science may suggest, and Admiralty may order improvements on granting compensation.

9. That the said Company shall and will, from time to time, and at all times during the continuance of this contract, make such alterations or improvements in the construction, equipments, and machinery of the vessels which shall be used in the performance of this contract as the advanced state of science may suggest and the said Commissioners may direct; and that if at any time during the continuance of this contract the progress of science should enable the vessels employed in the performance of this contract to be propelled at a much greater speed than hereinbefore provided, the said Commissioners may (if they think fit) order such necessary improvements to be made, granting such compensation to

the

the said Company as may by arbitration be determined to be due for the increased expenditure, if any, arising from the making of such improvements.

10. That the said Company shall at all times during the continuance of this contract have in constant readiness for the due execution of the service hereby contracted to be performed, vessels equal in number, tonnage, and efficiency to those hereinbefore stipulated to be provided; and shall, in every case of any of the said vessels becoming disabled, immediately, at their own cost and charge, replace the same by good and efficient vessels of similar tonnage, obtained by hire or otherwise.

Company always to have vessels ready; and in case of being disabled, to replace same.

11. That the said Company shall receive and allow to remain on board each of the said vessels so to be and while employed in the performance of this contract, and also while remaining at each or either of the ports or places for return mails, and with or without mails in charge, an officer in Her Majesty's navy to be appointed by the said Commissioners to take charge of the said mails, and also a servant of the said officer, if required, and that every such officer shall be recognised and considered by the said Company, and their officers, agents, and seamen, as the agent of the said Commissioners in charge of Her Majesty's mails, and as having full authority in all cases to require a due and strict execution of this contract on the part of the said Company, their officers, servants, and agents, and to determine every question, whenever arising, relative to proceeding to sea or putting into harbour, or to the necessity of stopping to assist any vessel in distress, or to save human life; and that the decision of such officer as aforesaid shall in each and every such cases be final and binding on the said Company, unless the said Commissioners, on appeal by the said Company, shall think proper to decide otherwise. But it is understood, the above expression, "to determine every question," shall not confer upon such officer the power of compulsion in such cases.

Officer appointed by Admiralty, and servant, to be received on board, and former considered as agent of Admiralty, with authority to require due execution of contract, and determine as to proceeding or putting into harbour, or assisting vessel in distress.

Decision of officer to be final, unless Admiralty on appeal decide otherwise.

12. That a suitable first-class cabin, with appropriate bed, bedding, and furniture, shall, at the cost of the said Company, be provided and appropriated by them for and to the exclusive use and for the sole accommodation of every such naval officer, and also a proper and convenient place of deposit on board, with secure lock and key, for Her Majesty's mails; and that each and every of the said officers shall be victualled by the said Company as a chief cabin passenger, without any charge being made either for his passage or victualling; and that, should all or any of such officers require a servant, such servant shall be also provided with a proper and suitable berth and be duly victualled, by and at the cost of the said Company, without any charge being made for the same.

First-class cabin, &c. to be provided for officer, with place for deposit of mails.

Officer to be victualled, and his servant be provided for, by Company.

13. That Her Majesty's mails shall be delivered and received at each of the places to which the said vessels are to proceed in the performance of this contract; and that at each port or place where the said mails are to be delivered and received, the said naval officer having charge of Her Majesty's mails shall, whenever and as often as by him deemed practicable or necessary, be conveyed on shore, and also from the shore to the vessel employed for the time being in the performance of this contract, together with or (if such officer consider requisite for the purposes of this contract) without Her Majesty's mails, in a suitable and seaworthy boat of not less than four oars, to be furnished with effectual covering for the mail bags, and properly provided, manned, and equipped by the said Company; and that the directions of the said naval officer shall in all cases be obeyed as to the mode, time, and place of receiving and delivering Her Majesty's mails.

Mails to be delivered and received, and naval officer to be conveyed to and from the shore, and direction of officer obeyed as to mode, &c. of receiving and delivering mails.

14. That if the said Commissioners shall during the continuance of this contract or of any part thereof, think fit to entrust the charge and custody of the mails to the masters of all or any of the vessels to be employed in the performance of this contract, and in all cases when the naval officer, or other persons appointed by the said Commissioners to have charge of Her Majesty's mails, shall be absent, the masters of all or any of such vessels shall, without any charge to the public, take due care of, and the said Company shall be responsible for the receipt, safe custody, and delivery of the said mails; and each of such masters shall make the usual declaration or declarations required, or which may hereafter be required, by Her Majesty's Postmaster General in such and similar cases, and furnish such journals, returns, and information to, and per-

Admiralty may entrust mails to master of vessel, who is to make usual declaration, and receive and deliver mails, &c.

form such services as the said Commissioners, or any of their agents, may require; and every such master having the charge of such mails shall himself, immediately on the arrival at any of the said ports or places of any vessel so conveying the same, deliver all Her Majesty's mails for such port or place into the hands of the postmaster of the port or place where such mails are to be delivered, or into the hands of such other person as the said Commissioners shall direct and authorise to receive the same, receiving in like manner all the return or other mails to be forwarded in due course.

Company not to receive on board any other letters than those in charge under this contract.

15. That the said Company shall not, nor shall any of the masters of any of the vessels employed or to be employed under this contract, receive or permit to be received on board any of the vessels employed under this contract any letters for conveyance, other than those duly in charge of the said naval officer or other person authorised to have charge of the said mails under or by virtue of this contract, or which are or may be privileged by law; and the said naval officer or other person shall report to the said Commissioners any default in this respect, and in case of any such default the said Company shall be liable to be proceeded against for a breach of this contract.

Penalty for not putting to sea from Aden or Bombay at day and hour appointed, 500*l.*; and 500*l.* for every successive day up to 14th.

16. That if the said Company fail to provide an efficient vessel, in accordance with the terms of this contract, ready to put to sea from Aden and Bombay respectively, on and at the duly appointed day, hour, or time, then and in each case and as often as the same shall happen the said Company shall forfeit and pay unto Her Majesty, her heirs and successors, the sum of five hundred pounds, and also the further sum of five hundred pounds for every successive day up to the fourteenth day inclusive which shall elapse until such vessels shall actually proceed to sea on her voyage with Her Majesty's mails on board in the performance of this contract. And in case any vessel employed or to be employed in the performance of this contract shall, in breach of this contract, not start, or shall delay starting at the appointed time, or shall put back or return into port after starting, or shall stop or linger on her voyage, or shall deviate from her direct course (except from stress of weather or other unavoidable circumstances), without the sanction in each and every case of the officer authorised to have the charge of the said mails, then and in each and every of such cases, and as often as the same shall happen, the said Company shall forfeit and pay unto Her Majesty, her heirs and successors, the sum of two hundred pounds, and also the further sum of two hundred pounds for every day during which she shall not start or shall delay starting, or shall remain in port, after any such return thereto; but nevertheless, so that the said Company shall not in any case be liable to any penalties under this contract if the default be proved to the satisfaction of the said Commissioners to have arisen from circumstances over which the said Company and their servants had not and could not have had any control.

Penalty for delay in starting, &c 200*l.*; and 500*l.* for every day's delay;

and as to when Company not liable to penalties.

Officer may survey vessels, &c., and deficiency to be remedied under penalty of 200*l.*

17. That every naval officer authorised to have the charge of the said mails shall, either alone or with such other persons as he may consider necessary, have full power and authority, as often as he may deem it requisite, to examine and survey, in such manner, and with the assistance of such persons as he may think proper, any of the vessels employed or to be employed in the performance of this contract, and the hulls, machinery, equipments, and crew thereof, on his giving reasonable notice in writing to the master for the time being of the vessel about to be examined, or to the person acting as such, of such his intention; and if any defect or deficiency be ascertained, and notice thereof in writing be given to such master or person, and if the said master shall not immediately or as soon as possible thereupon remedy, replace, or effectively repair or make good every such defect or deficiency, the said Company shall in every such case forfeit and pay to Her Majesty, her heirs and successors, the sum of two hundred pounds; but the payment of such penalty shall not in anywise release or discharge the said Company from remedying, replacing, or effectively repairing or making good such deficiency or defect, or from being considered to have committed a breach of this contract. And that the said Commissioners shall also have full power, whenever and as often as they may deem it requisite, to survey, by any of their officers or agents, all or every the vessels employed and to be employed in the performance of this contract, and the hulls thereof, and the engines, machinery, furniture, tackle, apparel, stores, equipments, and the officers, engineers, and crew of every such vessel, the said vessels to be opened in their hulls whenever

Admiralty by agents may survey vessels, &c. and if vessel unseaworthy, or alterations required, not to be employed until alterations, &c. made to satisfaction of Admiralty, under a penalty of 500*l.*

the

the said officers may require ; and if any such vessel or any part thereof, or any engines, machinery, furniture, tackle, apparel, boats, stores, or equipments, shall on any such survey be declared by any of such officers or agents unseaworthy, or not adapted to the service hereby contracted to be performed, or if the said Commissioners shall deem it necessary or expedient that any alteration or improvement shall be made therein or any part thereof, in order to keep pace with the more advanced state of science, every vessel which shall be disapproved of, or in which such deficiency, defect, or want of improvement shall appear, shall be deemed inefficient for any service hereby contracted to be performed, and shall not be employed again in the conveyance of Her Majesty's mails until such defect or deficiency shall have been repaired or supplied, or the alterations or improvements, as the case may be, shall have been made to the satisfaction of the said Commissioners ; and if employed before such defect or deficiency shall have been supplied, or such alterations or improvements, as the case may be, shall have been made to the satisfaction of the said Commissioners, the said Company shall forfeit and pay to Her Majesty, her heirs and successors, the sum of five hundred pounds.

18. That the said Company, and all commanding and other officers of the vessels to be employed in the performance of this contract, and all agents, seamen, and servants of the said Company, shall at all times during the continuance of this contract punctually attend to the orders and directions of the said Commissioners, or of any of their officers or agents, as to the landing, delivering, and receiving Her Majesty's mails.

Company and their agents, &c. to attend to orders of Admiralty or officers as to landing, &c., mails.

19. That the said Company shall and will, when and as often as in writing they or the masters of their respective vessels shall be required so to do by the said Commissioners, or by such naval or other officers or agents acting under their authority (such writing to specify the rank or description of the person or persons to be conveyed, and the accommodation to be provided for him or them), receive, provide for, victual, and convey to and from and between the places to which any of the vessels are to proceed in the performance of this contract, on board each and every or any of the vessels to be employed in the performance of this contract (in addition to the naval officer authorised to have charge of the said mails), any number of naval, military, and civil officers in the service of Her Majesty, not exceeding eight in any one ship, with or without their wives and children, as chief cabin passengers, and any number of non commissioned and warrant officers, not exceeding four in any one ship, with or without their wives and children, as fore cabin passengers, together with the servants of both chief and fore cabin passengers, and any number of seamen, marines, soldiers, or artificers in Her Majesty's service not exceeding ten in any one ship, with or without their wives and children, as deck passengers, to be always provided with effectual protection from rain, sun, and bad weather, and not exposed on deck without such competent shelter, due notice being given, if practicable, to the said Company, or to their agent at the port of embarkation.

On requirement by Admiralty, &c., a limited number of officers in the Navy, Army, or Civil Service, with wives, &c. to be received on board as chief cabin passengers ;

and of non commissioned and warrant officers, with wives, &c. as fore cabin passengers, together with servants ;

and of seamen, marines, soldiers, or artificers, &c., as deck passengers, with effectual protection from rain, &c.

20. That commissioned officers, their wives and children, shall be considered as chief cabin passengers, non-commissioned and warrant officers, their wives and children, as fore cabin passengers, and seamen, marines, private soldiers, artificers, and their wives and children, as deck passengers, and the said servants (in respect of accommodation) as the servants of chief cabin passengers.

What class of passengers they are to be considered.

21. That each field officer, and every naval officer of equal or superior rank, shall be allowed ninety cubic feet of space in measurement for baggage, provided (except in the case of the Royal Engineers) such allowance shall not exceed eighteen hundredweight in weight, and all other officers in Her Majesty's naval and military service, and officers in the civil service, sixty cubic feet each, and that (except in the case of the Royal Engineers) such allowance shall not exceed twelve hundredweight in weight.

Each field and naval officer of certain rank allowed 90 cubic feet measurement for baggage, and, except Royal Engineers, not exceeding 18 cwt. All other officers 60 cubic feet, and, except Royal Engineers, not exceeding 12 cwt.

22. That the Royal Engineers shall be allowed the same measurement, but to extend in weight to twenty-seven hundredweight for field officers, and eighteen hundredweight for every other officer of the Royal Engineers.

Engineers same measurement, but to extend in weight to 27 cwt for field officers, and 18 cwt. for other officers.

23. That soldiers of the Royal Artillery, and Sappers and Miners, and their wives, shall be allowed six cubic feet each for baggage, and all married officers, 276.

Soldiers of Artillery and Sappers, 6 cubic feet each for baggage.

Married officers, when accompanied by wives or families, further allowance not exceeding one-half that before mentioned.

Field pieces for artillery to be received on board, and hammocks and bedding to be brought to England free.

As to victualling of Admiralty passengers.

Rates of passage-money which is to be in full for mess, wines, &c., and what the mess is to include.

Children under three carried free, male servants half, female servant two-third rates for employers.

Certificate for passage-money.

when accompanied by their wives or families, a further allowance not exceeding one-half of that before mentioned, according to their rank and corps.

That for every company of the Royal Artillery embarked there shall be conveyed, free of all charge, the proper proportion of light field pieces and ammunition, if required; and that any hammocks and bedding which may be sent out for the use of troops or other persons embarked, shall be placed in charge of the officer authorised to have charge of Her Majesty's mails, and be brought back to England, if required, free from any charge for freight.

24. That the victualling of officers, their wives and children, conveyed as chief cabin passengers, shall be the same as is usually allowed by the said Company to chief cabin passengers, their wives and children; the victualling of non-commissioned officers, their wives and children, conveyed as fore cabin passengers, shall be the same as is allowed to the boatswain and carpenter of the said Company's steam ships; and the victualling of seamen, marines, soldiers, and artificers, their wives and children, conveyed as deck passengers, shall be the same as is allowed to the seamen of the said Company's steam ships; and the victualling of the servants of officers, whether chief or fore cabin passengers, shall be the same as the servants of other chief or fore cabin passengers.

25. That the passage money shall be paid in full of all charge for mess, including a pint of port or good foreign white wine, and one bottle of malt liquor per day for each officer conveyed as a chief cabin passenger, and half a gill of spirits per day, or an equivalent, if not issued, for each warrant officer, non-commissioned officer, seaman, marine, soldier, artificer, and servant conveyed as a fore cabin or a deck passenger, at and after rates amounting only to two-thirds of the rates charged by the said Company for ordinary passengers of a similar description, the said Company carrying children under three years of age free, and charging for male servants one-half, and for female servants two-thirds of the rates charged for their employers.

26. That the payment for the passage ordered at the expense of the public for any person shall only be made on the production of the order for the passage, and of a certificate from the person, in the following form, viz.:—

I hereby certify, that on the _____ I embarked at _____
as a passenger on board the mail steam packet _____, for a passage to _____
, and landed at _____ on the _____.

To this certificate the following addition is to be made in every case of a male cabin passenger, viz.:—

I further certify, that the first dinner meal taken on board was on the _____,
, and the last dinner meal on the _____.

Dated this _____ day of _____.

And the correctness of the dates must be corroborated by the master of the packet, adding underneath the passenger's signature.

"The dates inserted in this certificate are correct."

"(Signature.)"

"Master of the Packet."

Passage-money for families and wives of officers to be paid by officers, and what the rate is to be.

Passengers, exclusive of men under 11 Geo. 4, c. 20.

All soldiers as deck passengers to have adequate protection from rain, &c.

Sums forfeited to be stipulated damages,

27. That the passage money for the families and wives of officers shall be paid to the said Company by the officers themselves, at rates never exceeding two-thirds of the rates charged for ordinary passengers of a similar description, their children under three years of age being conveyed free of charge.

28. That the passengers hereinbefore mentioned or referred to are to be exclusive of any men to be sent home under the provisions of the Act 11 Geo. 4 c. 20, the rate of passage for whom is to be, and to be paid for in accordance with the provisions of that Act.

29. That whenever the said Company shall convey any soldiers as deck passengers, other than those specially provided for by this contract, the said Company shall provide them with adequate protection from rain, sun, and bad weather, and they shall not be exposed on deck without such competent shelter.

30. That all and every the sums of money hereby stipulated to be forfeited and

and paid by the said Company unto Her Majesty, her heirs and successors, shall be considered as stipulated or ascertained damages, and shall and may be deducted and retained by the said Commissioners out of any monies payable, or which may thereafter be payable to the said Company, or the payment may be enforced as a debt due to Her Majesty, with full costs of suit, at the discretion of the said Commissioners.

and may be deducted or enforced as a debt to Her Majesty.

31. That in the event of any accident occurring to the hull or machinery of one or more of the said contract vessels, arising from circumstances over which the said Company and their servants had not and could not have had any control, and that in consequence thereof the mails should be carried on or conveyed by any of Her Majesty's or of the East India Company's vessels, a deduction or abatement is to be made from the contract service money, at the rate of six shillings and two-pence per nautical mile, while the annual payment is twenty-four thousand seven hundred pounds, and at the rate of five shillings and six-pence per nautical mile, while the annual payment is only twenty-two thousand pounds, for the distance which the mails may have been so conveyed, such distance to be ascertained and determined by the hydrographer of the said Commissioners, or such amount shall be recoverable as a debt due to Her Majesty, with full costs of suit.

As to deductions from service money to be made if mails be otherwise conveyed from accident to any contract vessel.

32. That the said Company shall and will receive on board each and every of the said vessels employed in the performance of this contract any number of small packages containing astronomical instruments, charts, wearing apparel, medicines, or other articles, and convey and deliver the same to, from, and between the said ports or places to or from which the said mails are to be conveyed in the performance of this contract, when and as often as directed by the British naval officer in command at any port where the vessel may touch, free from all costs and charges; and also shall and will receive on board each and every of the said vessels, and convey and deliver to, from, and between the said ports or places, any naval or other stores, not exceeding ten tons in weight at any one time in any one vessel, at the rate of freight charged by the said Company for private goods, on receiving from the said Commissioners, or any of their officers or agents, two days' previous notice of its being their intention to have such stores so conveyed; and that the said Company shall in all cases be strictly responsible for the due custody and safe delivery of the said packages, articles, and stores.

Small packages to be received on board as directed by naval officer.

Limited quantity of stores to be conveyed and delivered at rates as for private goods, on two days' notice.

33. That if at any time or times during the continuance of this contract the said Commissioners shall deem it requisite to alter the particular days, times, and hours of departure from and arrival at both or either of the ports or places to or from which Her Majesty's mails are to be conveyed, under or by virtue of this contract, they shall be at liberty, at any time or times, or from time to time, to alter the days and hours of departure and arrival, on giving a timely notice in writing of such their intention to the said Company; and the particular days, times, and hours of departure from and arrival at both or either of such ports or places which may be appointed by any such alteration in force for the time being shall be deemed to be the days, times, and hours of departure and arrival of Her Majesty's mails under this contract, and shall be observed and kept by the said Company accordingly: Provided always, that such alteration shall not necessitate the employment of any greater number of vessels than that hereinbefore specified.

Admiralty at liberty to alter times of departure of vessels on timely notice, but not to necessitate employment of greater number of vessels.

34. And in consideration of the due and faithful performance by the said Company of all the services hereby contracted to be by them performed, the said Commissioners do hereby agree that there shall be paid to the said Company, so long as they perform the whole of the said services in the manner and with such vessels as herein provided, by bills at sight, payable by Her Majesty's Paymaster General, a sum after the rate of twenty-four thousand seven hundred pounds per annum, by equal quarterly payments, and with a proportionate part thereof, should this contract terminate on any other day than a day of quarterly payment; to be subject, however, to the abatement of any deductions or forfeitures which the said Company may have incurred (as herein provided); and the first of such quarterly payments to become due at the termination of three calendar months from the day on which the first vessel leaves Aden or Bombay, as the case may be, with Her Majesty's mails on board under or by virtue of this contract.

Payments to Company for services.

35. Provided always, that from and after the expiration of six calendar months from the day on which the railway now constructing or which may be constructed across Egypt shall be opened for public conveyance between Alexandria and Suez, there shall be paid to the said Company, so long as they perform the whole of the said services as aforesaid, a sum after the rate of only twenty-two thousand pounds per annum, in quarterly payments, in lieu of the said sum after the rate of twenty-four thousand seven hundred pounds aforesaid.

Admiralty may purchase or charter vessels at a rate to be settled by arbitration in case of difference.

36. And it is hereby agreed that the said Commissioners for executing the office of Lord High Admiral shall at any time during the continuance of this contract, if they shall consider it necessary for the public interest, have power and be at liberty to purchase all or any of the said vessels at a valuation, or to charter the same exclusively, for Her Majesty's service, at a rate of hire to be mutually fixed and agreed on by them and the said Company; but if any difference should at any time or times arise as to the amount of valuation or hire so to be paid, such difference shall be referred to two arbitrators, one to be chosen from time to time by the said Commissioners, and the other by the said Company, and if such arbitrators should at any time or times not agree in the matter or question referred to them, then such question in difference shall be referred by them to an umpire to be chosen by such arbitrators before they proceed with the reference to them, and the joint and concurrent awards of the said arbitrators, or the separate award of the said umpire when the said arbitrators cannot agree, shall be binding and conclusive upon all parties; and that the said Commissioners, in the case of hiring any such vessel, shall return the same to the said Company in the same state and condition as she was in at the time of any such hiring, reasonable wear and tear excepted; and if any difference should arise upon that point, the same shall be settled in the same manner as the amount for the hiring is to be settled in case of difference.

In case of purchase or hire Company to perform the service by other vessels, subject Admiralty approval.

37. And it is further agreed, that in case of such purchase or hire the service hereby contracted to be performed shall be performed by other vessels of the Company of a similar description to the vessel or vessels purchased or hired, if they can in due and proper time furnish them, such other vessels, as to construction, machinery, equipment, and crew, to be subject to the same approval as other vessels employed under this contract.

Submission to arbitration may be made a rule of Court of Exchequer.

38. And it is agreed that any submission which may be made to arbitration in pursuance of this contract shall be made a rule of Her Majesty's Court of Exchequer, pursuant to the statute in that case made and provided, and that any witnesses examined upon and reference may be examined upon oath.

If mails stopped through Egypt, Admiralty to determine.

39. That in the event of an entire stoppage of Her Majesty's mails through Egypt, such circumstances shall be investigated by the said Commissioners, in order that the said Commissioners may come to such determination as in their opinion the circumstances of the case may require.

All postage at disposal of Postmaster General.

40. And it is hereby agreed, that the whole postage of all mails, despatches, and letters of every description conveyed in the vessels employed under this contract, whether carried from or out of Her Majesty's dominions or otherwise, shall be at the disposal of Her Majesty's Postmaster General.

This contract to commence on 7th July 1854, to continue till 1st January 1861, and then determine if 12 calendar months' notice have been given. If no such notice, contract to continue after 1st January 1861 until 12 calendar months' notice.

41. And it is hereby agreed and declared, that this contract shall commence on the day of the date hereof, and shall continue in force until the first day of January one thousand eight hundred and sixty-one, and then determine, if the said Commissioners shall by writing under the hand of the Secretary of the Admiralty for the time being have given to the said Company, or the said Company shall have given to the said Commissioners, twelve calendar months' notice in writing that this contract shall so determine; but if neither the said Commissioners nor the said Company shall give any such notice, this contract shall continue in force, even after the said first day of January one thousand eight hundred and sixty-one, until the expiration of a twelve calendar months' notice in writing as aforesaid, which may be given at any period of the year by either of the parties hereto to the other of them, and which last-mentioned notice may be given at any time after the expiration of seven years from the first day of January one thousand eight hundred and fifty-three.

42. Provided

42. Provided always, that if a certain contract, dated on or about the first day of January, one thousand eight hundred and fifty-three, and made or expressed to be made between the Peninsular and Oriental Steam Navigation Company of the one part, and the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (for and on behalf of Her Majesty) of the other part, for conveying Her Majesty's mails between the United Kingdom and Alexandria, and between Suez, India, China, and other places, should determine or be determined before the period hereinbefore mentioned for the determination of this contract, this contract shall, if not previously determined, determine simultaneously with the said contract dated the first day of January one thousand eight hundred and fifty-three, notwithstanding anything hereinbefore contained to the contrary.

This contract, if not previously determined, to determine simultaneously with contract of 1st January 1853.

43. And it is hereby distinctly understood, that the said Company shall undertake for themselves all arrangements relative to quarantine as connected with the due and regular performance of the conditions of this contract.

Quarantine arrangements to be undertaken by Company.

44. And it is hereby further agreed and provided, that, without the consent of the said Commissioners, signified in writing under the hand of one of their secretaries, neither this contract nor any part thereof shall be assigned, underlet, or disposed of; and that in case of the same or any part thereof being assigned, underlet, or otherwise disposed of without such consent signified as aforesaid, or in case of any breach of this contract on the part of the said Company, their officers, agents, or servants, in any respect, and whether there be or be not any penalty or sum of money hereby made payable by the said Company for any such breach, it shall be lawful for the said Commissioners for executing the said office of Lord High Admiral (if they think fit, and notwithstanding there may or may not have been any former breach of this contract), by writing under the hand of one of their secretaries for the time being, to determine this contract, without any previous notice to the said Company or their agents, nor shall the said Company be entitled to any compensation in consequence of such determination; but even if this contract be so determined, the payment of the sum of money hereinafter agreed to be made shall be enforced, should the same be not duly paid by the said Company, and the said Company shall continue liable for any liability which they may have incurred previous to any such determination.

Contract not to be assigned, &c., without consent.

In case of assignment, &c., or breach, Admiralty may determine contract without previous notice or compensation.

45. And it is also agreed, that the notices or directions which the same Commissioners, or their secretary, officers, or other persons, are hereby authorised and empowered to give to the said Company, their officers, servants, or agents, may, at the option of such Commissioners, or their secretary, officers, or other persons, be either delivered to the master of any of the said vessels, or other officer or agent of the said Company in the charge or management of any vessel employed in the performance of this contract, or may be left for the said Company at their office or house of business in London.

As to services of notices.

46. And it is hereby agreed, that if when this contract terminates any vessel or vessels should have started or should start with mails, in conformity with this contract, such voyage or voyages shall be continued and performed, and the mails be delivered and received during the same, as if this contract remained in force with regard to any such vessels and services; but the said Company shall not be entitled to any payment or compensation for the same.

If, when this contract terminates, any vessel shall have started, or should start, voyage to be continued free of charge as if contract remained in force.

47. And lastly, for the due and faithful performance of all and singular the covenants, conditions, provisoes, clauses, articles, and agreements hereinbefore contained, which on the part and behalf of the said Company are or ought to be observed, performed, fulfilled, and kept, the said Company do hereby bind themselves and their successors unto our Sovereign Lady the Queen in the sum of five thousand pounds of lawful money of the United Kingdom to be paid to our said Lady the Queen, her heirs and successors, by way of stipulated or ascertained damages hereby agreed upon between the same Commissioners and the said Company in case of the failure on the part of the said Company in the due execution of this contract or any part thereof.

Company bound in 5,000 £. for due performance of contract.

Table of routes.

TABLE OF ROUTES.

TWICE A MONTH.

DATES.		PLACES.	Distance in Miles.	Steaming.		Stopping.		Coals.
Arrivals.	Departures.			Days.	Hours.	Days.	Hours.	
		From						
	29th & 15th, 5 a.m.	Bombay -	-	-	-	-	-	Coal.
6th & 22d, 11 a.m.	14th & 28th, Midngt.	To						
		Aden -	1,650	7	6	{ 8	12	Coal.
						{ 6	12	
22d & 6th, 6 a.m.	- - -	Bombay -	1,650	7	6	{ 6	22	Coal.
						{ 8	22	
TOTAL - - -			3,300	14	12	-	-	-

Steamers to start
from Bombay earlier
in certain months.

The steamers to start from Bombay six days earlier in the months of May, June, and July, and four days earlier in the months of August and September, in consequence of the south-west monsoon.

In witness whereof, the said Peninsular and Oriental Steam Navigation Company have hereunto set their corporate seal, and two of the said Commissioners for executing the office of Lord High Admiral have hereunto set their hands and seals, the day and year first above written.

Sealed with the seal of the Peninsular and Oriental Steam Navigation Company, pursuant to an order of a Board of Directors of the said Company, dated 8th day of August 1854, and such seal was affixed hereto in presence of three of the Directors and of me the Secretary of the said Company, and in conformity with the terms of the deed of settlement.

C. W. Howell, Secretary.

Signed, sealed, and delivered by the said Commissioners in the presence of

Jno. Doutty.

L. S.

Peter Richards. (L. S.)

W. Cowper. (L. S.)

CONTRACT No. 3.

[Contract of 16th April 1861.]

AUSTRALIAN MAILS.

ARTICLES OF AGREEMENT made the Sixteenth day of April, in the year of our Lord One thousand eight hundred and sixty-one, between the Peninsular and Oriental Steam Navigation Company, of the one part, and the Right Honourable Edward John Lord Stanley of Alderley, Her Majesty's Postmaster General for the time being, of the other part.

Whereas the said Company in the month of October one thousand eight hundred and fifty-eight, sent to the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland a tender in writing, dated the fifth day of that month, for the supply of steam-vessels for performing the mail service between Great Britain and Australia :

Reciting tender for
the supply of steam
vessels for the mail
service between Great
Britain and Australia.

and

and whereas the terms or conditions of such tender were subsequently in some respects altered, and in others modified with the mutual consent of the said Company and the said Commissioners: And whereas such tender (with such alterations and modifications as hereinbefore referred to) was approved by Mr. Arthur Anderson on the part of the said Company, on the ninth day of the same month of October, and was, as approved by the said Company, accepted by the said Commissioners on the thirteenth day of the same month, and the draft of a contract was subsequently prepared by the solicitor of the Admiralty on the footing of such tender when so altered or modified as aforesaid, and although no contract in writing has at present been executed in respect of such services, yet the same, as thereby agreed to be performed, have been performed by the said Company from the twelfth day of February one thousand eight hundred and fifty-nine up to the thirtieth of June last past: and whereas the said Company having discovered that the services so agreed to be performed, and so performed by them as aforesaid, were not only not remunerative, but attended with great loss, did address, on the thirtieth day of April one thousand eight hundred and sixty, a letter to the Lords Commissioners of Her Majesty's Treasury, stating, in reply to inquiries contained in a letter from the said Lords Commissioners, dated the twenty-seventh of the same month of April, that the Company would be compelled to abandon the further execution of the said service, but that as an alternative to the total relinquishment of the service, and in order to avoid the inconvenience of a suspension of mail communication with Australia, they were willing to continue it under the modified arrangements, and for the reduced subsidy hereinafter stated, which alternative proposal the Lords Commissioners of Her Majesty's Treasury were pleased to accept, and to authorise the said Postmaster General, to whom all securities entered into with the Commissioners of the Admiralty in relation to the packet service had been transferred under or by virtue of an Act of Parliament made and passed in the last Session of Parliament, to take the necessary steps in conjunction with the said Company, for preparing a contract on the footing of such alternative proposal.

Now these presents witness that the said Company, in consideration of the payments hereinafter agreed to be made to them, do hereby for themselves, their successors and assigns, covenant, promise, and agree to and with the said Postmaster General, his successors and assigns, that they, the said Company, shall and will, at their own costs and charges, at all times, until this agreement shall be determined to the satisfaction of the Postmaster General for the time being, convey Her Majesty's mails (which term mails shall for the purposes of this agreement be considered to mean and include all letters, newspapers, books, and printed papers, and also all bags, boxes, and packets of letters, newspapers, books, and printed papers, sent by the post) which shall, during the continuance of this contract by the Postmaster General, or any of his officers or agents, be required to be conveyed between Point de Galle in Ceylon, *via* Melbourne and Sydney in Australia, according to the table in that behalf hereunto annexed, by means of a sufficient number of full power steam-vessels (not less than three) supplied with first-rate appropriate steam engines.

That all the vessels to be employed in the services hereby agreed to be performed, shall be supplied and furnished with all necessary and proper machinery, engines, apparel, furniture, stores, tackle, boats, fuel, oil, tallow, provisions, anchors, cables, fire pumps, and other proper means for extinguishing fire, lightning-conductors on Sir Snow Harris's or other approved principle, charts, chronometers, proper nautical instruments, medicines, medicaments, and whatsoever else may be requisite and necessary for equipping the said vessels, and rendering them constantly efficient for the service hereby agreed to be performed, and also manned and provided with competent officers, with appropriate certificates granted pursuant to the Act 17 & 18 Vict. cap. 104, or to any other Act or Acts of Parliament in force for the time being, relative to the granting certificates to officers in the merchant service, and also a medical officer to be approved by the said Postmaster General, and who shall give medical attendance, medicines, and medicaments gratis to all persons conveyed under or by virtue of this agreement, or whose passage money may be paid for, either in whole or in part by the public, and with a sufficient number of efficient engineers, and a sufficient crew of able seamen and other men, to be in all respects subject to the approval of the said Postmaster General, or of

Reciting the acceptance of the tender, and the performance of the services by the Company.

Reciting that the services agreed to be performed were attended with great loss; but the Company were willing to continue the same under the modified arrangements, and for a reduced subsidy.

The Company agree to convey the Mails between Point de Galle and Australia.

Vessels to be furnished with appropriate machinery, tackle, &c.;

and manned with certificated officers, &c.;

also a Medical Officer;

also a sufficient number of engineers and crew, to be subject to approval of Postmaster General.

Designs, &c., of vessels to be submitted to the Postmaster General, if required.

such other person or persons as he shall at any time or times, or from time to time, authorise to inspect and examine the same; and the said Company shall (if required) submit the designs, plans, and sections of each vessel to be employed in the performance of this agreement to the said Postmaster General; provided, however, that all vessels belonging to the said Company, and which at the date of this agreement shall be employed in the performance of any Post Office services, shall be considered as having been approved by the said Postmaster General.

Departure of vessels.

That one of such vessels so provided, equipped, and manned as aforesaid shall during the continuance of this agreement, on such days and at such hours as are respectively mentioned in the said table hereunto annexed (until and unless any other days or hours shall under the proviso herein in that behalf contained be substituted instead thereof), and immediately after Her Majesty's mails are embarked, put to sea from, touch, and arrive at the several ports or places respectively mentioned in such table, and all the said vessels to be employed in the services hereby agreed to be performed shall, during the continuance of this agreement, convey the said mails as mentioned in such table, and all the stipulations, matters, and things therein mentioned and contained shall form part of this agreement, and be observed, kept, and performed by the said Company accordingly. And the said Company shall convey in the vessels to be employed under this agreement to and from, and cause to be delivered and received at such of the ports or places mentioned in the said table from or at which the said vessels are to start, touch, and arrive in performance of this agreement all such of Her Majesty's mails as shall or may be tendered to, delivered, or received by the said Company, or any of their agents, officers, or servants by or from the said Postmaster General or any of his officers or agents.

Vessels shall delay departure for 24 hours, if deemed expedient by the Postmaster General or his officers.

That, should it be deemed by the said Postmaster General, his officers or agents, requisite for the public service that any vessel to be employed under this agreement should at any time or times delay the departure from Point de Galle or Sydney beyond the period appointed for its departure, the said Postmaster General, his officers or agents, shall have power to order such delay, not, however, exceeding twenty-four hours, by letter addressed by him, or other his officers or agents, to the master of any such vessel, or person acting as such, and which shall be deemed a sufficient authority for such detention, anything herein contained to the contrary notwithstanding.

Company to convey Mails from Point de Galle, *via* Melbourne, to Sydney in 22 days, and from Sydney, *via* Melbourne, to Point de Galle in 24 days.

That the said Company shall convey the said mails from Point de Galle *via* Melbourne to Sydney in twenty-two days, and from Sydney *via* Melbourne to Point de Galle in twenty-four days: And it is hereby agreed that if the said Company shall fail to deliver the said mails at Sydney *via* Melbourne from Point de Galle in twenty-two days, or at Point de Galle *via* Melbourne from Sydney in twenty-four days, then or in either of such cases, and so often as the same shall happen, the said Company shall forfeit and pay to Her Majesty, her heirs and successors, the sum of two hundred pounds per day for every twenty-four hours consumed on the respective voyages beyond the periods as hereinbefore respectively agreed and specified: Provided always, that the full amount of such sums on any one voyage shall never exceed the sum of five thousand six hundred and eleven pounds six shillings and eightpence; and provided further, that the payment of any such sum shall not be enforced against the said Company, if it be shown by them, to the satisfaction of the said Postmaster General, that the delay has arisen from causes over which they, the said Company, had not and could not have had any control: Provided, however, and it is hereby further agreed and declared, that in the voyage from Sydney *via* Melbourne to Point de Galle, and from Point de Galle *via* Melbourne to Sydney, the space of twenty-four hours shall be allowed over and above the time hereinbefore above stipulated and appointed for making such respective voyages for detention at Melbourne for the purpose of the delivery and reception of mails.

Penalty for delay.

And the said Postmaster General doth hereby covenant and agree to pay to the said Company a premium of fifty pounds for each and every twenty-four hours within which the said mails shall be delivered less the number of days hereby covenanted for delivery of the same respectively at Sydney and Point de Galle.

The Postmaster General to pay the Company a premium of 50*l.* for delivering the Mails in a less number of days.

The Postmaster General may modify the services on giving notice to the Company.

And it is hereby agreed that if at any time or times during the continuance of this agreement the said Postmaster General shall desire to modify the

the services hereby contracted to be performed (as, for example, to alter the particular days, times, or hours of departure from and arrival at any of the ports or places to or from which Her Majesty's mails are to be conveyed under or by virtue of this agreement, or to increase or decrease the frequency of such conveyance), he shall be at liberty so to do on giving reasonable notice in writing of such his desire to the said Company at their offices in London, and on paying to them for such modified or altered services such further or other consideration, and in the event of the services hereby agreed to be performed being decreased on his paying to them such reduced consideration as may be mutually agreed upon between the said Company and the Postmaster General for the time being, and failing such mutual agreement by arbitration in the manner hereinafter in that behalf provided: And it is hereby further agreed and declared, that the particular days, times, and hours of departure from and arrival at any of such ports or places, or other, if any, services which may be appointed by any such modification or alteration in force for the time being as aforesaid, shall be deemed to be the days, times, and hours of departure and arrival of Her Majesty's mails under this agreement, and shall be observed and kept by the Company accordingly.

And the said Company do hereby agree with the said Postmaster General that if they, the said Company, should fail to provide an efficient vessel at Point de Galle and Sydney in accordance with the terms of this agreement ready to put to sea on the appointed day and at the appointed hour mentioned and specified in the said table hereunto annexed, then and in such case, and so often as the same shall happen, the said Company shall forfeit and pay unto Her Majesty, her heirs and successors, the sum of five hundred pounds, and also the further sum of one hundred pounds for every successive twenty-four hours which shall elapse until such vessel shall actually proceed to sea on her voyage in the performance of this agreement: Provided further that the payment of any such sums shall not be enforced against the said Company, if it be shown by them to the satisfaction of the said Postmaster General that the delay has arisen from causes over which they, the said Company, had not and could not have had any control.

Penalties for not providing efficient vessels.

That the said Company shall at all times, during the continuance of this agreement, have in constant readiness, for the due execution of the service hereby agreed to be performed, not less than three full-power steam-vessels, and shall in every case of any or either of such vessels becoming disabled, with all possible speed, at their own costs and charges, replace the same by good and efficient vessels of similar steam-power and efficiency obtained by hire or otherwise.

Company always to have three vessels ready for the service, and in case of being disabled to replace same.

That the said Company shall receive and allow to remain on board each of the said vessels so to be and while employed in the performance of this agreement, and also while remaining at each or either of the ports or places for return mails, and with or without mails in charge, an officer in Her Majesty's navy to be appointed by the said Postmaster General to take charge of the said mails, and also an assistant or servant of the said officer (if required), and that every such officer shall be recognised and considered by the said Company, their officers, agents, and seamen, as the agent of the said Postmaster General in charge of Her Majesty's mails, and as having full authority in all cases to require a due and strict performance of this agreement on the part of the said Company, their officers, servants and agents, and to determine every question, whenever arising, relative to proceeding to sea, or putting into harbour, or to the necessity of stopping to assist any vessel in distress, or to save human life, and that the decision of such officer as aforesaid shall in each and every such case be final and binding on the said Company, unless the said Postmaster General on appeal by the said Company shall think proper to decide otherwise: Provided, however, and it is hereby agreed, that the words "to determine every question" shall not confer upon such officer the power of compulsion in such cases.

An officer in the navy to remain on board the vessels, and to take charge of Mails.

That if the said Postmaster General at any time or times think fit, he shall be at liberty in any case or cases to substitute for the said naval officer and his assistant or servant a civil officer in the service of the Postmaster General, to have charge of the said mails, and in such case or cases any such last-mentioned officer, and also an assistant of the said officer (if required), shall be received and be allowed to remain on board each of the said vessels as hereinbefore

The Postmaster-General may substitute a civil officer in the place of a naval officer.

provided with respect to any such naval officer and his assistant or servant, but when any civil officer in the service of the Post Office shall be in charge of the said mails, his duties shall be confined to the Post Office business.

A first-class cabin, with bed and bedding, to be provided for such naval or civil officer; also a proper place for the deposit of the Mails.

The officer to be victualled by the Company as a chief-cabin passenger.

That a suitable first-class cabin, with appropriate bed, bedding, and furniture, shall, at the cost of the said Company, be provided and appropriated by them for and to the exclusive use and for the sole accommodation of every such naval officer or civil officer, and also a proper and convenient place of deposit on board, with secure lock and key, for Her Majesty's mails, and that each and every of the said officers shall be victualled by the said Company as a chief-cabin passenger, without any charge being made either for his passage or victualling; and that, should any of such officers require an assistant or servant, such assistant or servant shall also be provided with a proper and suitable berth, and be duly victualled by and at the cost of the said Company as a second-cabin passenger, without any charge being made for the same.

The Company to provide suitable accommodation for sorting and making up the Mails.

That the said Company shall and will provide, on board each of the vessels to be employed under this agreement, all necessary and suitable accommodation, to the satisfaction of the Postmaster General, for the purpose of sorting and making up the mails thereby conveyed, and also shall and will receive, victual, and convey and allow to remain on board each of the said vessels, such civil officer, if any there should be, of the Post Office, and his assistant, without any extra charge whatsoever, which said civil officer shall be treated as a first-class passenger, and be provided for, accommodated, and victualled in the same manner as if he were the naval officer in charge of the mails, and the said assistant or servant shall be provided for, accommodated, and victualled in the same manner as the assistant or servant of the said naval officer as herein-before provided.

To convey the officer in charge of the Mails on shore.

That at each port or place where the said mails are to be delivered and received, the officer having charge of Her Majesty's mails shall, whenever and as often as by him shall be deemed practicable or necessary, be conveyed on shore, and also from the shore to the vessel employed for the time being in the performance of this agreement, together with or (if such officer shall consider it requisite for the purposes of this agreement so to do), without Her Majesty's mails, in a suitable and seaworthy boat of not less than four oars, to be furnished with effectual covering for the mails, and properly provided, manned, and equipped by the said Company; and that the directions of such officer shall in all cases be obeyed as to the mode, time, and place of receiving and delivering such mails.

The Postmaster-General may entrust the master of the vessels with the custody of the Mails.

That if the said Postmaster General shall, during the continuance of this agreement, think fit to entrust the charge and custody of the mails to the master of the vessels to be employed for the time being in the performance of this agreement, and in all cases when the officer or other person appointed to have charge of Her Majesty's mails shall be absent, the master of such vessel shall without any charge (other than that herein provided to be paid to the said Company) take due care of, and the said Company shall be responsible for the receipt, safe custody, and delivery of the said mails, and each of such masters shall make the usual oath or declaration, or declarations required, or which may hereafter be required, by the Postmaster General in such and similar cases, and furnish such journals, returns, and information to, and perform such services as the said Postmaster General or any of his agents may require; and every such master, or officer duly authorised by him, having the charge of such mails, shall himself immediately on the arrival at any of the said ports or places of any vessel so conveying the same, deliver all Her Majesty's mails for such port or place into the hands of the Postmaster of the port or place where such mails are to be delivered, or into the hands of such other person as the said Postmaster General shall direct, and authorise to receive the same, receiving in like manner all the return or other mails to be forwarded in due course.

The master to deliver the Mails to the Postmaster of the port or place where they are to be delivered.

The Company not to receive on board any letters for conveyance other than those in charge of the naval officer, &c.

That the said Company shall not, nor shall any of the masters of any of the vessels employed or to be employed under this agreement, receive, or permit to be received, on board any of the vessels employed under this agreement, any letters for conveyance other than those duly in charge of the said naval officer, or other person authorised to have charge of the said mails, or which are, or may be,

be, privileged by law; and the said naval officer, or other person, shall report to the said Postmaster General any default in this respect; and in case of any such default, the said Company shall be liable to be proceeded against for a breach of this agreement.

And the said Company do hereby further agree with the said Postmaster General, that every naval officer, authorised to have the charge of the said mails, shall either alone, or with such other persons as he may consider necessary, have full power and authority, as often as he may deem it requisite, to examine and survey, in such manner and with the assistance of such persons as he may think proper, any of the vessels employed, or to be employed, in the performance of this agreement, and the hulls, machinery, equipments, and crew thereof, on his giving reasonable notice in writing to the master for the time being of the vessel about to be examined, or to the person acting as such, of such his intention; and if any defect or deficiency be ascertained, and notice thereof in writing be given to such master or other persons, such master or other person shall and will immediately, or as soon as possible thereupon, remedy, replace, or effectually repair or make good every such defect or deficiency; and that the said Postmaster General shall also have full power, whenever and as often as he may deem it requisite, to survey by any of his officers or agents all or any of the vessels employed and to be employed in the performance of this agreement, and the hulls thereof, and the engines, machinery, furniture, tackle, apparel, stores, equipments, and the officers, engineers, and crew of every such vessel; and that for the purposes aforesaid the said vessels shall (if necessary) be opened in their hulls whenever the said officers may require; and if any such vessels, or any part thereof, or any engines, machinery, furniture, tackle, apparel, boats, stores, or equipments, shall in any such survey be declared by any of such officers or agents unseaworthy or not adapted to the service hereby agreed to be performed, every vessel which shall be disapproved of, or in which such deficiency or defect shall appear, shall be deemed inefficient for any service hereby agreed to be performed, and shall not be employed again in the conveyance of Her Majesty's mails until such defect or deficiency shall have been repaired or supplied to the satisfaction of the said Postmaster General.

Power for the naval officer to survey the vessels, machinery, and crew, and to give notice of defects to the master, &c.

Power for the Postmaster-General or his officers to survey the vessels, &c.

That the said Company and all commanding and other officers of the vessels to be employed in the performance of this agreement, and all agents, seamen, and servants of the said Company, shall at all times during the continuance of this agreement, punctually attend to the orders and directions of the said Postmaster General, or of any of his officers or agents, as to the landing, delivering, and receiving Her Majesty's mails.

The Company, &c., to attend to the orders of the Postmaster General, or his officers, as to delivering and receiving the Mails.

That the said Company shall and will, when and as often as in writing they or the masters of their respective vessels shall be required so to do by the said Postmaster General, or by such naval or other officers or agents, acting under his authority (such writing to specify the rank or description of the person or persons to be conveyed, and the accommodation to be provided for him or them), receive, provide for, victual, and convey to and from and between the places to which any of the vessels are to proceed in the performance of this agreement, on board each and every or any of the vessels to be employed in the performance of this agreement (in addition to the naval or other officer authorised to have charge of the said mails), any number of naval, military or civil officers in the service of Her Majesty (not exceeding four in any one ship), with or without their wives and children, as chief-cabin passengers, and any number of non-commissioned or warrant officers, or civilians in Her Majesty's service (not exceeding two) in any one ship, with or without their wives and children as fore-cabin passengers, together with the servants of both chief and fore-cabin passengers, and any number of seamen, marines, soldiers, or artificers in Her Majesty's service (not exceeding ten) in any one ship, with or without their wives or children, as deck passengers, to be effectually protected from rain, sun, and bad weather (a fortnight's notice being given if practicable to the said Company, or to their agent at the point of embarkation, of all such passengers as may be required to be received, provided for, victualled, and conveyed as aforesaid), and that the said Company shall and will convey any soldiers (not exceeding ten) as deck passengers (other than those hereinbefore specially provided for), and that the said Company shall and will provide them with adequate protection from rain,

The Postmaster General may require the Company to convey on board the vessels a limited number of naval, military, or civil officers, with their wives, &c.; also, warrant officers, seamen, marines, soldiers, &c.

sun, and bad weather, and that such soldiers as last aforesaid shall not be exposed on deck without such competent shelter, and that all such passengers as aforesaid shall be permitted to ship the quantity of baggage allowed by the said Company to ordinary passengers of similar rank free of all charge for the conveyance thereof.

Commissioned officers to be paid for as chief-cabin passengers, &c.

That commissioned officers, their wives and children, shall be considered and paid for as chief-cabin passengers, non-commissioned and warrant officers, their wives and children, as and paid for as fore-cabin passengers, and seamen, marines, private soldiers, artificers, and their wives and children, as and paid for as deck passengers, and the said servants (in respect of accommodation) as and paid for as the servants of chief-cabin passengers.

As to the victualling of commissioned officers, non-commissioned officers, seamen, &c.

That the victualling of commissioned officers, their wives and children, conveyed as chief-cabin passengers, shall be similar to that usually allowed by the said Company to chief-cabin passengers, their wives and children, the victualling of non-commissioned officers, their wives and children, conveyed as fore-cabin passengers, shall be similar to that usually allowed to the boatswain and carpenter of the said Company's steam-ships, and the victualling of seamen, marines, soldiers, and artificers, their wives and children, conveyed as deck passengers, shall be similar to that usually allowed to the seamen of the said Company's steam-ships, and the victualling of the servants of officers (whether chief or fore-cabin passengers), shall be similar to that usually allowed to the servants of other chief or fore-cabin passengers.

The passage money to be paid in full of all charge for mess, including allowances of wine, &c.

That the passage-money shall be paid in full of all charge for mess, including a pint of port or good foreign white wine, and one bottle of malt liquor per day for each officer conveyed as a chief-cabin passenger, and half a gill of spirits per day, or an equivalent (if not issued), for each warrant officer, non-commissioned officer, seaman, marine, soldier, artificer, and servant conveyed as a fore-cabin or a deck passenger, at and after the fares or rates charged by the said Company for ordinary passengers of a similar description, the said Company carrying children under three years of age free, and charging for male servants not more than one-half, and for female servants not more than two-thirds of the rates charged for their employers.

Certificate for passage money.

That the payment for the passage, ordered at the expense of the public, of any person shall only be made on the production of the order for the passage, and of a certificate from the person in the following form, namely:—

“I hereby certify, that on the _____ I embarked at _____ as a _____ passenger on board the mail steam-packet _____ for a passage to _____, and landed at _____, on the _____.”

To which certificate the following addition is to be made in any case of a male cabin passenger, namely:—

“I further certify that the first dinner meal taken on board was on the _____, and the last dinner meal on the _____.”

“Dated this _____ day of _____.”

And the correctness of the dates shall be corroborated by the master of the vessel adding underneath the passenger's signature,—

“The dates inserted in this certificate are correct.”

“(Signature.)

“Master of the Packet.”

The passage-money, for officers and families to be the ordinary rates; children under three years to be free.

That the passage-money for the families and wives of officers shall be paid to the said Company by the officers themselves, at the rates charged to ordinary passengers of a similar description, their children under three years of age being conveyed free of charge.

The passengers to be exclusive of any men sent home under the Act 17 & 18 Vict. c. 104.

That the passengers hereinbefore mentioned or referred to are to be exclusive of any men to be sent home under the provisions of the Act 17 & 18 Vict. c. 104, the rate of passage for whom is to be _____ and to be paid for in accordance with the provisions of that Act.

Small packages to be received on board and delivered at the places where the Mails are delivered as often as

That the said Company shall and will receive on board each and every of the vessels to be employed in the performance of this agreement any number of small packages not exceeding twenty cubic feet in measurement, containing astronomical

mical instruments, charts, wearing apparel, medicines, or other articles (which small packages shall not contain liquids or chemicals, oil, grease, or other articles of a dangerous or damaging character), and convey and deliver the same to, from and between the said ports or places to or from which the said mails are to be conveyed in the performance of this agreement, when and as often as directed by the said Postmaster General, or by the British naval officer in command of the station, or at any port where the vessel may touch, free from all costs and charges, and also shall and will receive on board each and every of the said vessels, and convey and deliver to, from, and between all or any of the said ports or places, any naval or other stores (which stores shall not consist of liquids, chemicals, oil, grease, or any other article of a dangerous or damaging character), not exceeding ten tons in weight at any one time in any one vessel, at the rate of freight charged by the said Company for private goods, on receiving from the said Postmaster General, his officers or agents, two days' previous notice of his intention to have such stores so conveyed, and that the said Company shall in all cases be strictly responsible for the due custody and safe delivery of the said packages, articles, and stores.

the Postmaster General, or the officer in command at the port, may require, free from all charge.

Naval stores not exceeding 10 tons to be conveyed at the same rate as private goods.

And it is hereby further agreed that all and every the sums of money hereby stipulated to be paid by the said Company unto Her Majesty, Her heirs and successors, shall be considered as stipulated or ascertained damages, whether any damages or loss have or hath, or have not or hath not, been sustained, and shall and may be deducted and retained by the said Postmaster General out of any monies payable or which may thereafter be payable to the said Company, or the payment may be enforced as a debt due to Her Majesty, with full costs of suit, at the discretion of the said Postmaster General.

The sums payable by the Company to be considered as stipulated damages.

And in consideration of the due and faithful performance by the said Company of all the services hereby agreed to be by them performed, the said Postmaster General doth hereby covenant and agree that there shall be paid to the said Company (out of such aids or supplies as may be from time to time provided and appropriated by Parliament for the purpose), so long as they perform the whole of the said services in the manner and with such vessels as herein respectively provided, a sum after the rate of one hundred and thirty-four thousand six hundred and seventy-two pounds per annum, in equal quarterly payments, on the first day of January, the first day of April, the first day of July, and the first day of October, and with a proportionate part thereof, should this agreement be determined on any other day than one of those hereinbefore mentioned, which said rateable sum it is hereby agreed and declared shall be paid to and received by the said Company as full compensation for all costs and expenses which they may incur or be put unto by reason or on account of all and singular the services hereby contracted to be performed, subject, however, to the abatement of any sums of money in respect of forfeitures which the said Company may have incurred, or to the addition of any sums in respect of premiums (as the case may be), as herein provided, and which payments shall be made on the production by the said Company from time to time to the Secretary for the time being of the General Post Office of certificates from the proper officers that the terms and conditions of this agreement have been strictly and punctually performed, or so soon thereafter as the accounts sent in for the then last quarter can be checked and examined.

Payments to the Company for services.

And it is hereby further agreed and declared between and by the said parties to these presents, that if at any time during the continuance of this agreement, or after the determination thereof, any dispute or controversy shall arise between the said parties to these presents, or their successors respectively, concerning any breach or alleged breach, by or on the part of the said Company of this present agreement, or the sufficiency of any such breach to justify the Postmaster General in putting an end to the same, or concerning the amount of consideration to be paid to or allowed by the said Company, as the case may be, for such modified or altered services as hereinbefore in that behalf mentioned, or concerning any of the covenants, matters, or things herein contained, or in any wise relating thereto, and notwithstanding the power herein contained to determine this agreement, and any execution or attempted execution of such power, such dispute or controversy shall be referred to two arbitrators, one to be chosen from time to time by the said Postmaster General, and the other by the said Company, and if such arbitrators should at any time or times not agree in the matter or question

Disputes to be referred to arbitration.

tion referred to them, then such question in difference shall be referred by them to an umpire, to be chosen by such arbitrators before they proceed with the reference to them, and the joint and concurrent award of the said arbitrators, or the separate award of the said umpire, when the said arbitrators cannot agree, shall be binding and conclusive upon both parties, and this agreement of submission may be made a rule of either of Her Majesty's Courts of Record.

The postage of all Mails to belong to Her Majesty.

And it is hereby further agreed that the whole postage of all mails conveyed in the vessels employed under this agreement, whether carried from or out of Her Majesty's dominions or otherwise, shall belong to Her Majesty, and shall be at the disposal of Her Majesty's Postmaster General.

Commencement and duration of Agreement.

And it is hereby further agreed and declared that this agreement shall commence from the day of the date hereof, and shall continue in force until one of the said parties hereto shall give to the other of them six calendar months' notice of his or their desire to determine the same, and on the expiration of such notice this agreement shall determine accordingly, without prejudice nevertheless to any right of action or other proceeding which shall then have accrued to either party for any breach thereof.

The Company to undertake the arrangements as to quarantine.

And it is hereby distinctly agreed that the said Company shall undertake for themselves all arrangements relative to quarantine as connected with the due and regular performance of the conditions of this agreement.

The Company not to underlet or dispose of the Contract without the consent of the Postmaster General.

And it is hereby further agreed and declared that without the consent of the said Postmaster General, signified in writing under the hand of the secretary or one of the assistant secretaries of the Post Office, neither this contract, nor any part thereof, shall be given, granted, assigned, underlet, or disposed of, and that in case of the same, or any part thereof, being given, granted, assigned, underlet, or otherwise disposed of without such consent signified as aforesaid, or in case of any breach of this agreement, or any covenant, matter, or thing herein contained on the part of the said Company, their officers, agents, or servants, and whether there be or be not any penalty or sum of money hereby made payable by the said Company for any such breach, it shall be lawful for the said Postmaster General, if he shall think fit (and notwithstanding there may or may not have been any former breach of this contract), by writing under his hand, or under the hand of the secretary or one of the assistant secretaries of the Post Office, to determine this agreement without any previous notice to the said Company or their agents, nor shall the said Company be entitled to any compensation in respect of such determination.

The Postmaster General may determine this Agreement in case of any breach by the Company, without any previous notice.

As to the service of notices.

And it is hereby also agreed that all notices or directions which the said Postmaster General, his officers, agents, or others, are hereby authorised and empowered to give to the said Company, their officers, servants, or agents, other than any notice of termination of this contract, may, at the option of the said Postmaster General, his officers, agents, or others, be either delivered to the master of any of the said vessels, or other officer or agent of the said Company, in the charge or management of any vessel employed in the performance of this agreement, or may be left for the said Company at their office or house of business in London, Point de Galle, Melbourne, or Sydney, or at their or any of their last known place of business or abode, and any notices or directions so given or left, shall be binding on the said Company: Provided always, that any notice of termination of this contract shall be served on the said Company, their officers, servants, or agents at their office in London.

If, when the Agreement terminates, any vessel shall have started with the Mails, the voyage to be continued as if the Agreement had remained in force.

And it is hereby further agreed that if on the determination of this agreement any vessel or vessels should have started, or should start, with the mails, in conformity with this agreement, such voyage or voyages shall be continued and performed, and the mails be delivered and received during the same as if this agreement had remained in force with regard to any such vessels and services, and with respect to such vessels and services as last aforesaid, this Agreement shall be considered as having terminated as and when such vessels and services shall have reached their port or place of destination, and been performed.

Penalty for the due performance of the Agreement.

And for the due and faithful performance of all and singular the covenants, conditions, provisoes, clauses, articles, and agreements hereinbefore contained, and which, on the part and behalf of the said Company, their officers, agents, or servants, are or ought to be observed, performed, fulfilled, and kept, the said Company

Company do hereby bind themselves and their successors unto Her Majesty the Queen, in the sum of twenty-five thousand pounds sterling, to be paid to her, her heirs or successors, by way of stipulated or ascertained damages, hereby agreed upon between the said Postmaster General and the said Company, in case of the failure on the part of the said Company in the due execution of this contract, or any part thereof.

Provided always, and it is hereby expressly agreed and declared between and by the said parties to this agreement, that on this agreement being determined in the manner hereinbefore provided, the said hereinbefore mentioned tender and agreement thereunder made, and all and singular the conditions, agreements, powers, provisoes, clauses, and articles declared, contained, or referred to in the said tender, or in any table, letter, memorandum, or paper writing, forming or constituting the agreement hereinbefore referred to, or containing, explaining, or defining the terms and conditions thereof, for the performance of the services hereby agreed to be performed, shall be revived and become again in full force and effect, as if this agreement had not been made and entered into, anything hereinbefore contained to the contrary notwithstanding.

The former tender to be revived and in full force on the determination of this Agreement.

Provided always, and it is hereby further expressly agreed and declared between and by the said parties hereto, that the agreement shall not be binding until it has lain upon the Table of the House of Commons for one month without disapproval, unless this said agreement is previously approved by a resolution of the said House of Commons.

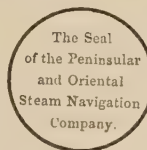
This Agreement not to be binding until it has been laid on the Table of the House of Commons for one month.

In witness whereof the said Peninsular and Oriental Steam Navigation Company have hereunto set their corporate seal, and the said Postmaster General hath hereunto set his hand and seal the day and year first above written.

Stanley



of Alderley.



Signed, sealed, and delivered by the within-named Edward John Lord Stanley of Alderley, Her Majesty's Postmaster General, in the presence of

E. B. Osborn.

Sealed with the seal of the Peninsular and Oriental Steam Navigation Company, pursuant to an order of a Board of Directors of the said Company, dated the Twelfth of April, One thousand Eight hundred and Sixty-one; and such seal was affixed hereto in presence of three of the Directors, and of me the Secretary of the said Company, and in conformity with the terms of the deed of settlement.

C. W. Howell, Secretary.

P. D. Hadow.
John George.
Wm. H. Hall,
Directors.

Witness also,

E. B. Osborn,
Solicitor's Office,
General Post Office.

The TABLE above referred to.

OUTWARD ROUTE.

Leave Point de Galle.	Arrive at King George's Sound.	Arrive at Melbourne.	Leave Melbourne.	Arrive at Sydney.
21 January 1861	4 February 1861	9 February 1861	10 February 1861	13 February 1861
21 February "	7 March "	12 March "	13 March "	16 March "
24 March "	7 April "	12 April "	13 April "	16 April "
21 April "	5 May "	10 May "	11 May "	14 May "
22 May "	5 June "	10 June "	11 June "	14 June "
22 June "	6 July "	11 July "	12 July "	15 July "
22 July "	5 August "	10 August "	11 August "	14 August "
21 August "	4 September "	9 September "	10 September "	13 September "
21 September "	5 October "	10 October "	11 October "	14 October "
22 October "	5 November "	10 November "	11 November "	14 November "
21 November "	5 December "	10 December "	11 December "	14 December "
22 December "	5 January 1862	10 January 1862	11 January 1862	14 January 1862

HOMEWARD ROUTE.

Leave Sydney.	Arrive at Melbourne.	Leave Melbourne.	Arrive at King George's Sound.	Arrive at Point de Galle.
22 January 1861	25 January 1861	26 January 1861	31 January 1861	16 February 1861
20 February "	23 February "	24 February "	1 March "	17 March "
22 March "	25 March "	26 March "	31 " "	16 April "
22 April "	25 April "	26 April "	1 May "	17 May "
22 May "	25 May "	26 May "	31 " "	16 June "
22 June "	25 June "	26 June "	1 July "	17 July "
22 July "	25 July "	26 July "	31 " "	16 August "
22 August "	25 August "	26 August "	31 August "	16 September "
22 September "	25 September "	26 September "	1 October "	17 October "
22 October "	25 October "	26 October "	31 " "	16 November "
22 November "	25 November "	26 November "	1 December "	17 December "
22 December "	25 December "	26 December "	31 " "	16 January 1862

CONTRACT No. 4.

[Contract of 16 April 1861.]

SUEZ AND THE MAURITIUS MAILS.

ARTICLES OF AGREEMENT made and entered into the 16th day of April in the year of our Lord 1861, between the Right Honourable Edward John Lord Stanley of Alderley, Her Majesty's Postmaster General for the time being, who is acting in the matter of this Contract as the Agent for and on behalf of the Government for the time being of the Colony of the Mauritius of the one part, and the Peninsular and Oriental Steam Navigation Company of the other part.

1. Witness that the said Company in consideration of the payments hereinafter agreed to be made to them, do hereby, for themselves, their successors, and assigns, covenant, promise, and agree to and with the Postmaster General for the time being as such agent as aforesaid, that they, the said Company, their successors, or assigns, shall and will, at their own cost and charge, at all times during the continuance of this contract, diligently, faithfully, and to the satisfaction of the Postmaster General for the time being, convey all mails, which term "mails" shall

shall for the purposes of this contract be construed to mean and include "all letters, newspapers, books, and printed papers, and also all bags, boxes, and packets of letters, newspapers, books, and printed papers," and also all empty bags, empty boxes, and other stores and articles used, or to be used, in carrying on the Post Office service, which shall be sent by or to or from the Post Office, and which shall at any time or times, and from time to time during the continuance of this contract by the said Postmaster General, or any of his officers, be tendered for conveyance and be required to be conveyed once every calendar month between Suez in Egypt and the Mauritius in the Indian Ocean, and once every calendar month between the Mauritius aforesaid and Suez aforesaid, calling at the Seychelle Islands in the Indian Ocean for the purpose of landing and embarking mails on each of the homeward voyages, and on each of the outward voyages, except during the south-west monsoon (that is to say, during the months of June, July, and August) by full power steam-vessels of not less than 850 tons register measurement, and supplied with first-rate appropriate steam-engines.

Once every calendar month, between Suez and the Mauritius, and the Mauritius and Suez, calling at the Seychelles, except the homeward voyages, during the south-west monsoon, by steam vessels of not less than 850 tons.

2. That the vessels to be employed under this contract shall be always supplied and furnished with all appropriate and necessary machinery, engines, apparel, furniture, stores, tackle, boats, fuel, oil, tallow, provisions, anchors, cables, fire-pumps, and other proper means for extinguishing fire, lightning conductors on Sir Snow Harris's or other approved principle, charts, chronometers, proper nautical instruments, medicines, medicaments, and whatsoever else may be requisite and necessary for equipping the said vessels, and rendering them constantly efficient for the service hereby contracted to be performed; and also manned and provided with competent officers with appropriate certificates, granted pursuant to the Act 17 & 18 Vict. c. 104, or to the Act or Acts of Parliament in force for the time being, relative to the granting certificates to officers in the merchant service; and also a medical officer to be approved by the said Postmaster General, who shall give medical attendance and medicaments gratis to all persons conveyed under or by virtue of this contract; or whose passage money may be paid for in whole or in part by the public, and with a sufficient number of efficient engines, and a sufficient crew of able seamen and other men, to be in all respects as to vessels, engines, equipments, officers, engineers, and crew, subject in the first instance, and from time to time, and at all times afterwards, to the approval of the said Postmaster General, or of such other person or persons as he shall at any time or times, or from time to time, authorise to inspect and examine the same; and the said Company shall, if required by the said Postmaster General, or other person or persons as aforesaid, submit the designs, plans, and sections of every vessel about to be constructed and intended to be employed in the performance of this contract to the said Postmaster General, and be bound to adopt such fittings and scantlings as the said Postmaster General shall consider suitable and requisite; and no vessel shall be employed under this contract until it and its machinery shall have been previously tried under weigh, and finally approved as aforesaid; and every vessel which may at any time be employed under this contract shall be so arranged and constructed for the purposes of this contract as the said Postmaster General may at any time or times direct.

Vessels to be furnished with appropriate machinery, tackle, &c.

And manned with certificated officers, &c.;

And a Medical Officer.

Vessels, officers, and crew subject to approval of Postmaster General.

Designs, &c. of vessels to be submitted to Postmaster General, if required.

Vessel not to be employed until tried under weigh, and finally approved.

Departure of vessels.

3. That a vessel of the before-mentioned description, so approved, equipped, and manned as aforesaid, shall, during the continuance of this contract, on such days and within such times as are respectively mentioned in the table hereunto annexed, until and unless any other days or times shall at any time or from time to time be appointed by the said Postmaster General, and then on such days and at such times as may for the time being be so appointed, and immediately after the mails are embarked, put to sea from the Mauritius and proceed to Suez, and that a vessel, of such description as aforesaid, so approved, equipped, and manned as aforesaid, shall during the continuance of this contract, on such days and at such times as are respectively mentioned in the said table hereunto annexed, until and unless any other days or times shall at any time or from time to time be appointed by the said Postmaster General, and then on such days and at such times as may for the time being be so appointed, and immediately after the mails are embarked, put to sea from Suez, and proceed to the Mauritius, and land such mails and passengers as have to be landed at that place, and that each of such vessels (except as hereinbefore provided), as well on the

voyage from Suez to the Mauritius as from the Mauritius to Suez, shall call at the Seychelle Islands, and remain there no longer than may be absolutely necessary for the purpose of landing and embarking mails.

Vessels shall delay departure for 24 hours, if deemed expedient by the Postmaster General, or his officers.

4. That should it be deemed by the said Postmaster General, or by any of his authorised officers, requisite for the public service that any vessel employed under this contract should delay her departure from either of the places herein or in the said Table mentioned or referred to beyond the periods herein and in the said Table agreed upon, or which may be so appointed, the said Postmaster General, or such authorised officers, shall have power and be at liberty to order such delay, not, however, exceeding twenty-four hours, by letter addressed by their secretary, or one of the assistant secretaries of the General Post Office in London, or other officers of the said Postmaster General, to the master of any such vessel or person acting as such, or to the secretary of the said Company, and which letter shall be deemed a sufficient authority for such detention, anything herein contained to the contrary thereof notwithstanding.

Table annexed to form part of Contract.

5. And it is hereby expressly agreed that every such vessel shall, on each of her voyages during the continuance of this contract, convey the said mails as mentioned in the Table hereunto annexed, calling (except as hereinbefore provided) at the Seychelle Islands for the purposes aforesaid, and that all the stipulations, matters, and things mentioned and contained in the said Table shall form part of this contract, and be observed and kept and performed by the said Company accordingly; and subject to such stipulations, matters, and things, and to the other stipulations of this contract, the said vessel shall depart from and arrive at the several places as mentioned in such Table on the days therein respectively mentioned or specified, or which may be appointed as aforesaid; and the said Company shall convey in any vessel to be employed under this contract to and from, and cause to be delivered and received at, each of the ports or places mentioned in the said Table, and at the Seychelle Islands, from, to, and at which the said vessels are to start, call, and arrive in the performance of this contract, all such of the mails as shall or are to be delivered or received thereat respectively.

In case of stress of weather, &c., Master to insert reason of non-performance of Contract in log-book.

6. That if at any time or times, owing to stress of weather or any other unavoidable circumstances, any vessel employed in the performance of this contract shall not be able to reach in due course either of the places to which she ought to proceed, the master of every such vessel shall insert the reason thereof in his log-book, which shall, whenever required, be produced to the said Postmaster General, or to any of his officers.

Company to make improvements in the construction, &c. of vessels.

7. That the said Company shall and will, from time to time, and at all times during the continuance of this contract, make such alterations or improvements in the construction, equipments, and machinery of the vessels which shall be used in the performance of this contract as the advanced state of science may suggest, and the advantages of which shall have been practically proved, and the said Postmaster General may direct; and that if at any time during the continuance of this contract the progress of science should enable the vessels employed in the performance of this contract to be propelled at a much greater speed than herein provided, the said Postmaster General may, if he think fit, order such necessary improvements to be made, granting such compensation to the said Company as may by arbitration be determined, in the manner hereinafter provided, to be due for the increased expenditure, if any, arising from the making of such improvements.

Company always to have vessels ready; and in case of being disabled, to replace same.

8. That the said Company shall at all times during the continuance of this contract have in constant readiness for the due execution of the services hereby contracted to be performed, not less than two vessels equal in tonnage and efficiency to those hereinbefore stipulated to be provided; and shall in every case of any vessel becoming disabled, with all practicable speed, at their own cost and charge, replace the same by a good and efficient vessel of similar tonnage, obtained by hire or otherwise.

Company to provide a place for deposit of mails.

9. That the said Company shall at their sole cost and charge provide a proper and convenient place of deposit for the mails, with secure lock and key, on board every vessel to be employed in the performance of this contract.

10. That

10. That the master of every vessel to be employed in the performance of this contract shall, without any charge to the public, take due care of, and the said Company shall be responsible for, the receipt, safe custody, and delivery of the said mails, and the master shall make the usual declaration or declarations required, or which may hereafter be required, by Her Majesty's Postmaster General in such and similar cases, and furnish such journals, returns, and information to and as the said Postmaster General or any of his officers may require; and every master having the charge of such mails shall himself, immediately on the arrival at each of the said ports or places of any vessel so conveying the same, deliver all the mails for such port or place into the hands of the postmaster of the port or place where such mails are to be delivered, or into the hands of such other person as the said Postmaster General or his officers shall direct and authorise to receive the same, receiving, in like manner, all the return or other mails to be forwarded in due course.

Master of vessel to have charge of, and receive and deliver mails, &c., and make the usual declaration.

11. That the said Company shall not, nor shall the master of any vessel employed or to be employed under this contract, receive or permit to be received on board any vessel employed under this contract any letters for conveyance, other than those duly in charge of the officer or other person authorized to have charge of the said mails under or by virtue of this contract, or which are or may be privileged by law, it being expressly understood, however, that this prohibition is not to prevent the said Company from conveying in the vessels to be employed under this contract any mails to and from Reunion under any contract which the said Company may have entered into with the French Government for that purpose; and in case of any default in this respect, the said Company shall be liable to be proceeded against for a breach of this contract.

Company not to receive on board any other letters than those in charge under this Contract, or those privileged by law.

12. That if the said Company fail to provide an efficient vessel, in accordance with the terms of this contract, ready to put to sea from Suez or the Mauritius on and at the day, hour, or time on or at which it ought to leave either of those places according to this contract, then and in each such case, and as often as the same shall happen, the said Company shall forfeit and pay unto the said Postmaster General, as such agent as aforesaid, the sum of Five hundred pounds, and also the further sum of Five hundred pounds for every successive day up to the fourteenth day inclusive which shall elapse until such vessel shall actually proceed to sea on her voyage with mails on board in the performance of this contract.

Penalties for not having vessels ready, or

13. In case any vessel employed or to be employed in the performance of this contract shall, in breach of this contract, not start, or shall delay starting at the time aforesaid, or shall put back or return into port after starting, or shall stop or linger on her voyage, or shall deviate from her direct course (except from stress of weather or other unavoidable circumstance, and in the cases herein provided for), then and in each and every of such cases, and as often as the same shall happen, the said Company shall forfeit and pay unto the said Postmaster General, as such agent as aforesaid, the sum of Two hundred pounds, and also the further sum of Two hundred pounds for every day during which she shall not start, or shall delay starting, or shall remain in port after any such return thereto, but nevertheless so that the said Company shall not in any case be liable to any penalties under this contract, if the default be proved to the satisfaction of the Postmaster General for the time being to have arisen from circumstances over which the said Company and their servants had not and could not have had any control.

Departure delayed, &c.

When Company not liable to penalties.

14. And that the said Postmaster General shall have full power, whenever and as often as he may deem it requisite, to survey by any of his officers every vessel employed and to be employed in the performance of this contract, and the hull thereof, and as well the engines, machinery, furniture, tackle, apparel, stores, equipments, as the officers, engineers, and crew of every such vessel (the said vessels for the purpose aforesaid being opened in their hulls whenever the said officers may require); and if any such vessel or any part thereof, or any engines, machinery, furniture, tackle, apparel, boats, stores, or equipments, shall on any such survey be declared by any of such officers unseaworthy or not adapted to the service hereby contracted to be performed, every vessel which shall be disapproved of, or in which such deficiency or defect shall appear, shall

Postmaster General, or his officers, may survey vessels, &c., and if any vessel be found unseaworthy, such vessel not to be employed until made seaworthy, under penalty of 500 l.

be deemed inefficient for any service hereby contracted to be performed, and shall not be employed again in the conveyance of mails until such defect or deficiency shall have been repaired or supplied to the satisfaction of the said Postmaster General or his officers, and if employed before such defect or deficiency shall have been supplied to the satisfaction of the said Postmaster General or his officers, the said Company shall forfeit and pay to the said Postmaster General, as such agent as aforesaid, the sum of Five hundred pounds.

Company and their agents, &c. to attend to orders of Postmaster General, or officers, as to landing, &c. mails.

15. That the said Company, and all commanding and other officers of the vessels to be employed in the performance of this contract, and all agents, seamen, and servants of the said Company, shall at all times during the continuance of this contract punctually attend to the orders and directions of the said Postmaster General, or of any of his officers, as to the landing, delivery, and receiving mails.

On being required by Postmaster General, a limited number of officers in the Navy, Army, or Civil Service, with wives, &c. to be received on board as chief cabin passengers;

16. That the said Company shall and will, when and as often as in writing they or the masters of their respective vessels shall be required so to do by the said Postmaster General, or by any naval or other officers acting under his authority (such writing to specify the rank or description of the person or persons to be conveyed, and the accommodation to be provided for him or them), receive, provide for, victual, and convey to and from and between any or either of the places to which any vessel is to proceed in the performance of this contract, on board any vessel to be employed in the performance of this contract, any number of naval, military, and civil officers in the service of Her Majesty, not exceeding eight in any one ship, with or without their wives and children, as chief cabin passengers, and any number of non-commissioned and warrant officers, not exceeding four in any one ship, with or without their wives and children, as fore cabin passengers, together with the servants as well of chief as fore cabin passengers, and any number of seamen, marines, soldiers, or artificers in Her Majesty's service, not exceeding ten in any one ship, with or without their wives and children, as deck passengers, to be always provided with effectual protection from sun, rain, and bad weather, and not exposed on deck without such competent shelter, due notice thereof respectively being given, if practicable, to the said Company, or to their agent at the port of embarkation.

and of non-comm is- sioned and warrant officers, with wives, &c. as fore cabin passen- gers, together with servants;

and of seamen marines, soldiers, or artificers, &c. as deck passengers, with effectual protection from rain, &c.

And if military officers and soldiers, with wives, &c.,

17. That the said Company shall, in like manner, and whenever and as often as required, as aforesaid, in addition to the passengers hereinbefore mentioned, also cause to be conveyed, provided for, and victualled, between Suez and the Mauritius, on board any vessel employed under this contract, any number of military officers and soldiers, with their wives and children and servants that shall be required, not exceeding eight officers and forty men in each vessel.

What class of passen- gers they are to be considered.

18. That commissioned officers, their wives and children, shall be considered as chief cabin passengers; non-commissioned and warrant officers, their wives and children, as fore cabin passengers, and seamen, marines, private soldiers, artificers, and their wives and children, as deck passengers, and the said servants (in respect of accommodation) as the servants of chief cabin passengers.

Space and weight of baggage.

19. That each field officer, and every naval officer of equal or superior rank, shall be allowed ninety cubic feet of space in measurement for baggage (except in the case of the Royal Engineers), provided such allowance shall not exceed eighteen hundredweight in weight, and all other officers in Her Majesty's naval and military service, and officers in the civil service, sixty cubic feet each, and that (except in the case of the Royal Engineers) such allowance shall not exceed twelve hundredweight in weight.

Baggage of Royal Engineers.

20. That the Royal Engineers shall be allowed the same measurement, but to extend in weight to twenty-seven hundredweight for field officers, and eighteen hundredweight for every other officer of the Royal Engineers.

Baggage of soldiers of Royal Artillery, and Sappers and Miners, &c. and further allowance for officers, with wives, &c.

21. That soldiers of the Royal Artillery, and Sappers and Miners, and their wives, shall be allowed six cubic feet each for baggage, and all married officers, when accompanied by their wives or families, a further allowance not exceeding one-half of that before mentioned, according to their rank and corps.

22. That

22. That for every company of the Royal Artillery embarked there shall be conveyed, free of all charge, the proper portion of light field pieces and ammunition, if required; and that any hammocks and bedding which may be sent out for the use of troops or other persons embarked, shall be placed in charge of the officer authorized to have charge of Her Majesty's mails, and be brought back to England, if required, free from any charge for freight.

Conveyance of field pieces and of hammocks.

23. That the victualling of officers, their wives and children, conveyed as chief cabin passengers, shall be the same as is usually allowed by the said Company to chief cabin passengers, their wives and children; the victualling of non-commissioned officers, their wives and children, conveyed as fore cabin passengers, shall be the same as is allowed to the boatswain and carpenter of the said Company's steam ships; and the victualling of seamen, marines, soldiers, and artificers, their wives and children, conveyed as deck passengers, shall be the same as is allowed to the seamen of the said Company's steam ships; and the victualling of servants of officers, whether chief or fore cabin passengers, shall be the same as the servants of other chief and fore cabin passengers.

As to victualling of Government passengers.

24. That the passage money shall be paid in full of all charge for mess, including a pint of port or good foreign white wine, and one bottle of malt liquor per day for each officer conveyed as a chief cabin passenger: and half a gill of spirits per day, at an equivalent, if not issued, for each non-commissioned officer, warrant officer, seaman, marine, soldier, artificer, and servant conveyed as a fore cabin or a deck passenger, at and after the rates charged by the said Company for ordinary passengers of a similar description, the said Company carrying children under three years of age free, and charging for male servants one-half, and for female servants two-thirds of the rates charged for their employers.

Rates of passage money to be in full for mess, wines, &c., and what the mess is to include.

25. That the payment for the passage ordered at the expense of the public for any person shall only be made on the production of the order for the passage, and of a certificate from the person, in the following form, viz:—

Certificate for passage money.

"I hereby certify, that on the _____ I embarked at _____
as a passenger on board the mail steam-packet _____ for
passage to _____, and landed at _____ on the _____
,"

To this certificate the following addition is to be made in every case of a male cabin passenger, viz:—

"I further certify that the first dinner meal taken on board was on the _____,
and the last dinner meal on the _____."
"Dated this _____ day of _____."

And the correctness of the dates must be corroborated by the master of the packet adding, underneath the passenger's signature,

"The dates inserted in this certificate are correct."

"(Signature.)"
"Master of the Packet."

26. That the passage money for the wives and families of officers shall be paid to the said Company by the officers themselves, at the rates charged for ordinary passengers of a similar description, their children under three years of age being conveyed free of charge.

Passage money for families and wives of officers to be paid by officers, and what the rate is to be.

27. That the passengers hereinbefore mentioned or referred to are to be exclusive of any men to be sent home under the provisions of the Act 17 & 18 Vict. c. 104, the rate of passage for whom is to be and to be paid for in accordance with the provisions of that Act.

Passengers, exclusive of men under 17 & 18 Vict. c. 104.

28. That whenever the said Company shall convey any soldiers as deck passengers, other than those specially provided for by this contract, the said Company shall provide them with adequate protection from sun, rain, and bad weather, and they shall not be exposed on deck without such competent shelter.

Soldiers or deck passengers to have adequate protection from rain, &c.

Sums to be forfeited or paid by Company to be considered stipulated damages.

29. That all and every the sums of money hereby agreed to be forfeited and paid by the said Company unto the said Postmaster General, as such agent as aforesaid, shall be considered as stipulated or ascertained damages, and shall and may be deducted and retained by the said Postmaster General, as such agent as aforesaid, out of any moneys, if any, that may come to his hands for the purpose of being paid to the said Company, or the payment thereof may be enforced as a debt due to the said Postmaster General, as such agent as aforesaid, with full costs of suit, at the discretion of the said Postmaster General.

Conveyance of mails in case of accidents.

30. That in the event of any accident occurring to the hull or machinery of any of the said vessels, arising from circumstances over which the said Company and their servants had not and could not have had any control, the said mails shall be conveyed as the said Postmaster General, or his officers, shall direct, and if in consequence thereof the mails should be carried on or conveyed by any of Her Majesty's vessels, or in the event of the loss of any such contract vessel, a deduction or abatement is to be made from the contract service money at the rate of Eight shillings and Sevenpence per nautical mile, for the distance which the mails may not have been conveyed by any such contract vessel during any such voyage, such distance to be ascertained and determined by the hydrographer of the said Postmaster General, and such amount shall be recoverable as a debt due to the said Postmaster General, as such agent as aforesaid, with full cost of suit.

Small packages to be received on board, as Postmaster General, &c. may direct, and limited quantity of stores to be conveyed and delivered at rates as for private goods, on two days' notice, and Company to be responsible for the same.

31. That the said Company shall and will receive on board every vessel employed in the performance of this contract any number of small packages, not exceeding twenty feet in measurement, containing astronomical instruments, charts, wearing apparel, medicines, or other articles, and convey and deliver the same to, from, and between the said ports or places to or from which the said mails are to be conveyed in the performance of this contract as often as directed by the said Postmaster General or his officers, free from all costs and charges; and also shall and will receive on board each and every vessel, and convey and deliver to, from, and between the said ports or places, any naval stores, not being liquids or other articles of a dangerous nature, not exceeding ten tons in weight at any one time, at the rate of freight charged by the said Company for private goods, on receiving from the said Postmaster General, or any of his officers, two days' previous notice of its being his or their intention to have such stores so conveyed; and that the said Company shall in all cases be strictly responsible for the due custody and safe delivery of the said packages, articles, and stores.

Postmaster General at liberty to alter times of departure and arrival of vessels.

32. That if at any time or times during the continuance of this contract the said Postmaster General, as such agent as aforesaid, shall deem it requisite to alter the particular days, times, and hours of departure from and arrival at the ports or places to or from which mails are to be conveyed under or by virtue of this contract, he shall be at liberty, at any time or times, or from time to time, to alter the days and hours of departure and arrival, on giving three calendar months' notice in writing of such his or their intention to the said Company; and the particular days, times, and hours of departure from, and arrival at, all and every or either of such ports or places which may be appointed by any such alteration in force for the time being shall be deemed to be the days, times, and hours of departure and arrival of the mails under this contract, and shall be observed and kept by the said Company accordingly: Provided always, that such alteration shall not necessitate the employment of more than two vessels.

Payments to Company for services.

33. And in consideration of the due and faithful performance by the said Company of all the services hereby contracted to be by them performed, the said Postmaster General, as such agent as aforesaid, but not further or otherwise, or so as to render or make liable himself personally, his heirs, executors, or administrators, or his successors or assigns, Her Majesty's Postmaster General, or the revenue of the Post Office, doth hereby agree that there shall be paid to the said Company, out of such moneys (if any) as may from time to time be remitted to and received by him for the purpose, by, from, or on account of the Government of the Colony of the Mauritius, so long as the Company perform the whole of the said services in the manner and with such vessels as herein provided, a sum after the

the rate of 30,000 £. per annum, by equal quarterly payments, and with a proportionate part thereof; should this contract be terminated on any other day than a day of quarterly payment, such payments, however, to be subject to the abatement of any deductions or forfeitures which the said Company may have incurred, as herein provided; the first of such quarterly payments under this contract to be made on the first day of July one thousand eight hundred and sixty-one, the said Company having been paid for the conveyance of the mails between the said places up to the thirty-first day of March one thousand eight hundred and sixty-one, as the said Company do hereby acknowledge. And it is hereby agreed that the said Postmaster General, as such agent as aforesaid, shall at any time during the continuance of this contract, if he shall consider it necessary for the public interest so to do, have power and be at liberty to purchase any vessel employed under this contract at a valuation, or to charter the same exclusively for the conveyance of mails at a rate of hire to be mutually fixed and agreed on by him and the said Company; but if any difference should at any time or times arise as to the amount of valuation or hire so to be paid, such difference shall be referred to two arbitrators, one to be chosen from time to time by the said Postmaster General, and the other by the said Company; and if such arbitrators should at any time or times not agree in the matter or question referred to them, then such question in difference shall be referred by them to an umpire to be chosen by such arbitrators before they proceed with the reference to them, and that joint and concurrent award of the said arbitrators, or the separate award of the said umpire (as the case may be), when the said arbitrators cannot agree, shall be binding and conclusive upon all parties; and the said Postmaster General in the case of hiring any such vessel shall return the same to the said Company in the same state and condition as she was at the time of any such hiring, reasonable wear and tear being allowed, and if any difference should arise upon that point, the same shall be settled in the same manner as the amount for the hiring is to be settled in case of difference. And it is hereby further agreed, that in case of such purchase or hire, the service hereby contracted to be performed shall be performed by some other vessel or vessels to be approved of by the said Postmaster General of a similar description to the vessel or vessels purchased or hired, and in the event of the said Company being allowed by the said Postmaster General to continue to perform only a portion of the service hereby contracted for, there shall be paid to the said Company such annual sum of money as shall be agreed upon between the said Postmaster General and the said Company, and in case of their differing as to the amount, the difference shall be settled by two arbitrators, or an umpire to be chosen in the like manner as hereinbefore mentioned. And it is hereby further agreed that any submission which may be made to arbitration in pursuance of this contract may be made a rule of any of Her Majesty's Courts of Record. And it is hereby further agreed, that the whole postage of all mails of every description conveyed in the vessels employed under this contract, with the exception of the Reunion mails as aforesaid, whether carried from or out of Her Majesty's dominions, or otherwise, shall be at the disposal of the said Postmaster General as such agent as aforesaid. And it is hereby further agreed and declared, that this contract shall continue of force for five years from the eighth day of March one thousand eight hundred and fifty-nine, and shall, at the expiration of such five years, determine, if the said Postmaster General shall, by writing under his hand or under the hand of the Secretary, or one of the assistant secretaries of the Post Office for the time being, have given to the said Company, or the said Company shall have given to the said Postmaster General twelve calendar months' notice in writing, that this contract shall so determine, but if neither the said Postmaster General, nor the said Company shall give any such notice, this contract shall continue in force even after the expiration of the said term of five years, until the expiration of twelve calendar months' notice in writing as aforesaid, which may be given at any period of the year by either of the parties hereto to the other of them, and which last-mentioned notice may be given at any time after the eighth day of March one thousand eight hundred and sixty-three. And it is hereby distinctly understood and agreed that the said Company shall undertake for themselves all arrangements relative to quarantine as connected with the due and regular performance of the conditions of this contract. And it is hereby further agreed and declared, that without the license of the said Postmaster General, signified in writing

Postmaster General may purchase or charter vessels at a rate to be settled by arbitration in case of difference.

In case of purchase or hire, the Company to perform the service by other vessels, subject to approval of the Postmaster General.

Submission to arbitration may be made a rule of Court.

All postage to be at the disposal of the Postmaster General.

Duration of contract.

Quarantine arrangements to be undertaken by Company.

Contract not to be assigned, &c. without consent.

under his hand or under the hand of the Secretary, or one of the assistant secretaries of the Post Office for the time being, neither this contract nor any part thereof shall be assigned, underlet, or disposed of; and that in case of the same or any part thereof being assigned, underlet, or otherwise disposed of without such license signified as aforesaid, or in case of any breach of this contract on the part of the said Company, their officers, agents, or servants in any respect, and whether there be or be not any penalty or sum of money hereby made payable by the said Company for any such breach, it shall be lawful for the Postmaster General for the time being (if he think fit, and notwithstanding there may or may not have been any former breach of this contract), by writing under his hand or under the hand of the Secretary or one of the assistant secretaries of the Post Office for the time being, to determine this contract without any previous notice to the said Company or their agent; and that the said Company shall not be entitled to any compensation in consequence of such determination, but even if this contract be so determined, the payment of any penalties hereby stipulated and agreed to be paid shall be enforced against the said Company, should the same be not duly paid by them, and the said Company shall continue liable for any liability which they may have incurred previously to any such determination. And it is also agreed, that any notices or directions which the said Postmaster General, his officers or other persons are hereby authorised and empowered to give, or may be desirous of giving to the said Company, their officers, servants, or agents, may, at the option of the said Postmaster General, his officers, or other persons, be either delivered to the master of any of the said vessels, or other officer or agent of the said Company in the charge or management of any vessel employed in the performance of this contract, or may be left for the said Company at their office or house of business in London.

In case of assignment, &c. or breach, Postmaster General may determine contract without giving previous notice or compensation.

As to service of notices, &c.

If when this contract terminates any vessel shall have started, or should start, voyage to be continued free of charge, as if contract remained in force.

Postmaster General acting in this contract as agent only of the Colony of the Mauritius, the Governor thereof may exercise the powers, &c. given him by this contract.

The Company to be allowed to call at Reunion on the homeward voyage for the purpose of landing and embarking mails.

Company bound in 5,000 l. for due performance of contract.

34. Provided always, that if when this contract terminates any vessel or vessels should have started, or should start with mails, in conformity or intended conformity with this contract, such voyage shall be continued and performed, and the mails be delivered and received during the same, as if this contract remained in force with regard to any such vessel and service; the said Company shall not be entitled to any payment or compensation for the same.

35. And it is hereby further agreed and declared, and particularly the said Company doth hereby declare, that inasmuch as the Postmaster General for the time being is acting in the matter of this contract as the agent for and on behalf of the Government of the Colony of the Mauritius (so that neither he, his heirs, executors, or administrators, or his successors, or assigns, or the revenue of the Post Office is or are intended to be entitled to any benefit or to be liable to any burthen of or incidental to this contract), on whose behalf all monies, whether paid to or received from the said Company, under or by virtue of this contract, will be advanced and accounted for, the Governor for the time being of the Mauritius or the officer for the time being acting as such, may exercise, use and enjoy all or any of the powers, authorities, and privileges given or reserved to the Postmaster General for the time being by this contract, so and in such manner as if they had been expressly given or reserved to him by this contract, instead of to the said Postmaster General, and shall and may superintend the carrying out the provisions of this contract, and pay the money which may from time to time become due to the said Company, deducting therefrom the several sums of money, fines, and forfeitures hereby authorised to be deducted therefrom. And it is hereby further agreed and declared, that each of the vessels to be employed in the performance of the services hereby contracted to be performed, shall be allowed to call on the voyage from the Mauritius to Suez, at the Port of St. Denis in the Island of Reunion, or Bourbon in the Indian Ocean, for the purpose of landing and embarking mails thereat and therefrom.

36. And, lastly, for the due and faithful performance of all and singular the covenants, conditions, provisoes, clauses, and agreements hereinbefore contained, and which, on the part and behalf of the said Company, are or ought to be observed, performed, fulfilled, and kept, the said Company hereby bind themselves and their successors unto the said Postmaster General, as such agent as aforesaid, in the sum of five thousand pounds sterling, to be paid to the said Postmaster General as such agent as aforesaid, by way of stipulated or ascertained damages hereby agreed upon between the said Postmaster General as such agent

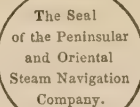
agent as aforesaid and the said Company, in case of the failure on the part of the said Company in the due execution of this contract or any part thereof.

In witness whereof the said Peninsular and Oriental Steam Navigation Company have hereunto set their corporate seal, and the said Postmaster General, as such agent as aforesaid, hath hereunto set his hand and seal, the day and year first above written.

Stanley



of Alderley.



Signed, sealed, and delivered by the within-named Edward John Lord Stanley of Alderley, Her Majesty's Postmaster General, in the presence of

E. B. Osborn.

Sealed with the seal of the Peninsular and Oriental Steam Navigation Company, pursuant to an Order of a Board of Directors of the said Company, dated the twelfth of April one thousand eight hundred and sixty-one; and such seal was affixed hereto in presence of three of the Directors and of me the Secretary of the said Company, and in conformity with the terms of the deed of settlement.

C. W. Howell, Secretary.

Witness also,

E. B. Osborn,
Solicitor's Office,
General Post Office.

P. D. Hadow,
John George,
Wm. H. Hall,
Directors.

The TABLE hereinbefore referred to.

SUEZ AND THE MAURITIUS MAIL SERVICE.

OUTWARD ROUTE.		HOMeward ROUTE.	
Leave Suez.	Arrive at Mauritius.	Leave Mauritius.	Arrive at Suez.
4 January 1861	- 22 January 1861	- 6 January 1861	- 26 January 1861.
4 February "	- 22 February "	- 6 February "	- 26 February "
7 March "	- 25 March "	- 6 March "	- 26 March "
4 April "	- 22 April "	- 6 April "	- 26 April "
5 May "	- 23 May "	- 6 May "	- 26 May "
5 June "	- 23 June "	- 6 June "	- 26 June "
5 July "	- 23 July "	- 6 July "	- 26 July "
4 August "	- 22 August "	- 6 August "	- 26 August "
4 September "	- 22 September "	- 6 September "	- 26 September "
5 October "	- 23 October "	- 6 October "	- 26 October "
4 November "	- 22 November "	- 6 November "	- 26 November "
5 December "	- 23 December "	- 6 December "	- 26 December "

THE Post Office is unable to furnish copies of any contracts entered into by any of the local Governments.

Since the four contracts above mentioned were executed, several modifications have been made in the services to be performed; and the amount of the subsidies has been increased in consequence from 388,972*l.* to 405,297 *l.*

The modifications referred to are as follow:—

Contract No. 1.—The service from Singapore to Sydney has been discontinued.

The service from Marseilles to Malta has been extended to Alexandria.

The service from Bombay to Hong Kong has been extended to Shanghai and doubled.

An abatement of 20,000*l.* per annum has been made from the subsidy payable under this contract, in consideration of the opening of the railway through Egypt.

Contract No. 2.—A new service twice a month from Southampton to Alexandria, and Marseilles to Alexandria, and from Suez to Aden, has been established, giving an independent communication twice a month with Bombay.

An abatement of 2,700*l.* per annum has been made from the subsidy payable under this contract, in consideration of the opening of the railway through Egypt.

An abatement of 15,000*l.* a year is made from the subsidy payable under the foregoing contracts, in consideration of Her Majesty's Government having abandoned the right of requiring the contractors to convey passengers on the public service at reduced fares.

Contract No. 4.—In consequence of the withdrawal of an annual subsidy paid by the Government of Reunion, the payment under this contract has been increased from 30,000*l.* to 36,000 *l.* a year.

STATEMENT of the Power and Tonnage of the several VESSELS employed under the subsisting Contracts for the Conveyance of Mails between *England and India, Ceylon, Mauritius, China, and Australia, viâ Alexandria.*

TABLE No. 1.—VESSELS employed in the Mediterranean.

Names of Vessels.	Horse Power.	Gross Tonnage.	Names of Vessels.	Horse Power.	Gross Tonnage.
Ceylon - Screw, iron -	450	2,020	Perah - Screw, iron -	450	2,013
Delta - Screw, iron -	400	1,899	Poonah - Screw, iron -	500	2,152
Delta - Iron -	400	1,618	Ripon - Iron -	450	1,925
Ellora - Screw, iron -	300	1,607	Syria - Iron -	450	1,419
Euxine - Iron -	400	1,164	Valetta - - -	260	770
Massilia - Iron -	400	1,640	Vectis - - -	260	751
Nyanza - Iron -	450	2,082			

TABLE No. 2.—VESSELS employed in the India and China Service to the Eastward of Suez.

Names of Vessels.	Horse Power.	Gross Tonnage.	Names of Vessels.	Horse Power.	Gross Tonnage.
Aden - Screw, iron -	210	812	Malta - Screw, iron -	500	1,942
Baroda - Screw, iron -	400	1,874	Mooltan - Screw, iron -	400	2,257
Behar - Screw, iron -	300	1,603	(2) Nemesis - Screw, iron -	600	2,017
Benares - Screw, iron -	400	1,491	(3) Nubia - Screw, iron -	450	2,095
Bengal - Screw, iron -	465	2,185	Orissa - Screw, iron -	300	1,646
Cadiz - Screw, iron -	220	810	(4) Ottawa - Screw, iron -	200	1,275
(1) Candia - Screw, iron -	450	1,981	(5) Pekin - Iron -	400	1,182
Carnatia - Screw, iron -	400	1,775	Rangoon - Screw, iron -	400	1,775
Emen - Screw, iron -	300	1,694	Salsette - Screw, iron -	400	1,491
Ganges - Iron -	470	1,189	Simla - Screw, iron -	630	2,440
Golconda - Screw, iron -	400	1,909	Singapore - - -	470	1,190
Jeddo - Screw, iron -	450	1,631			

(1) Accepted until May 1865.

(2) Ordered to be surveyed.

(3) About to be laid up at Bombay for repairs and new boilers.

(4) Accepted for the Mauritius service.

(5) Ordered to be withdrawn from India mail service.

TABLE NO. 3.—VESSELS employed in the Australian Service.

Names of Vessels.	Horse Power.	Gross Tonnage.
Bombay - Screw, iron - - - -	275	1,184
Northam - Screw, iron - - - -	400	1,330
Madras - Screw, iron - - - -	275	1,184

TABLE NO. 4.—VESSELS employed in the Mauritius Service.

Names of Vessels.	Horse Power.	Gross Tonnage.
Norma - Screw, iron - - - -	230	970
Sultan - Screw, iron - - - -	210	1,124

STATEMENT of the VOYAGES performed in the Years 1863 and 1864, under the before-mentioned Contracts; the Distance Run, and the Rate of Speed.

S E R V I C E.	Number of Single Voyages.		Distances Run in Nautical Miles.		Average Speed per Hour, in Nautical Miles.	
	1863.	1864.	1863.	1864.	1863.	1864.
Southampton and Alexandria -	96	95	285,600	282,625	10 $\frac{1}{4}$	10
Marseilles and Alexandria - -	96	96	140,640	140,640	10 $\frac{1}{4}$	10 $\frac{1}{2}$
Suez and Bombay - - -	48	48	142,656	142,656	9 $\frac{1}{2}$	9
Suez and Calcutta - - -	48	48	228,336	228,336	10	9 $\frac{1}{2}$
Point de Galle and Sydney -	24	24	126,456	126,456	9 $\frac{3}{4}$	10
Bombay and Hong Kong - -	48	48	189,216	189,216	8 $\frac{1}{2}$	8 $\frac{1}{2}$
Hong Kong and Shanghai - -	48	48	38,400	38,400	7 $\frac{3}{4}$	8
Suez and Mauritius - - -	24	24	89,340	89,340	8 $\frac{3}{4}$	8

RETURN of the Rate of CHARGES and DEDUCTIONS, and AMOUNT payable for the Years 1863 and 1864, under the Contracts for the Conveyance of Mails between *England* and *India, Ceylon, Mauritius, China, and Australia*, viâ *Alexandria*, including those entered into by the Local Governments.

S E R V I C E S.	Rates of Charges, 1863.			Rates of Charges, 1864.			Deductions, 1863.			Deductions, 1864.			Amounts Payable, 1863.			Amounts Payable, 1864.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Alexandria, Ceylon, Calcutta, Hong Kong, and England, including a Branch from Marseilles to Malta - - - }	162,124	18	-	162,124	18	-	* 15,000	-	-	* 15,000	-	-	147,124	18	-	147,124	18	-
Aden and Bombay - - - -	22,000	-	-	22,000	-	-	-	-	-	-	-	-	22,000	-	-	22,000	-	-
Extra Services to India - - - -	21,000	-	-	21,000	-	-	-	-	-	-	-	-	21,000	-	-	21,000	-	-
Extra Services from Southampton to Alex- andria, for Bombay Mails - - - }	20,500	-	-	20,500	-	-	-	-	-	-	-	-	20,500	-	-	20,500	-	-
Extra Service Monthly between Bombay and China - - - - }	24,000	-	-	24,000	-	-	-	-	-	-	-	-	24,000	-	-	24,000	-	-
Point de Galle and Sydney - - -	134,672	-	-	134,672	-	-	† 400	-	-	-	-	-	134,272	-	-	† 135,372	-	-
Suez, Aden, and Mauritius - - -	30,000	-	-	{ 30,000 - - to 30 June, 36,000 - - from 30 June }			-	-	-	-	-	-	30,000	-	-	33,000	-	-

* For abandonment of reduced fares for Government passengers.

† Excess of penalties over premiums.

‡ Including 700 l. for premiums.

MAIL CONTRACTS (INDIA, CEYLON, &c.)

RETURNS of all subsisting CONTRACTS for the CONVEYANCE of MAILS between *England* and *India, Ceylon, Mauritius, China, and Australia*, via *Alexandria*; and, of the Power and Tonnage of the several Vessels employed, the Voyages performed, Distances Run, Rate of Speed, Charges and Deductions, and Amount payable for the Years 1863 and 1864, under such Contracts.

(*Mr. Ayrton.*)

*Ordered, by The House of Commons, to be Printed,
10 May 1865.*

[*Price 6d.*]

276.

Under 8 oz.

O P I U M.

RETURN to an Address of the Honourable The House of Commons,
dated 25 July 1864;—for,

“ RETURN of OPIUM Exported to *China* from *Central India* viâ *Bombay* since the Year 1830, showing the Number of Chests, the Rate of Duty, the Cost of Collection and Establishment, and the Receipts on account of Passes or Duty in each Year;”

“ And similar RETURN from *Bengal*, adding Advances made to Cultivators, Expenses of Collection and Establishment, Amount written off to Profit and Loss, and the Selling Price in each Year.”

India Office, }
1 March 1865. }

FRAS. W. PRIDEAUX,
Secretary, Revenue Department.,

(*Mr. Vansittart.*)

Ordered, by The House of Commons, to be Printed,
2 March 1865.

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RETURN of OPIUM Exported to *China* from *Central India* viâ *Bombay* since the Year 1830, showing the Number of Chests, the Rate of Duty, the Cost of Collection and Establishment, and the Receipts on account of Passes or Duty in each Year; And similar RETURN from *Bengal*, adding Advances made to Cultivators, Expenses of Collection and Establishment, Amount written off to Profit and Loss, and the Selling Price in each Year.

— No. 1. —

FINANCIAL (Separate Revenue) DESPATCH from India; dated 17 January 1865
(No. 3).

AGREEABLY to the request conveyed in your Despatch in the Separate Revenue Department, No. 13, dated the 15th August 1864, we have the honour to forward to you a copy of the papers noted in the subjoined list, containing a report from the Government of Bombay, with a statement showing the number of opium chests exported to China from Central India, viâ Bombay, the rate of duty, &c. &c., from 1830-31 to 1863-64, as also a report from the Government of Bengal, with statements, as per margin, relative to the manufacture and exports of opium during the last 35 years.

2. The list also contains a letter from the Government of Bombay, explaining why the Commissioner of Customs is unable to furnish the details of the charges on account of establishments, &c.

(signed) *John Lawrence.*
R. Napier.
H. B. Harington.
H. S. Maine.
C. E. Trevelyan.
W. Grey.

Enclosure 1 in No. 1.

(No. 4558; dated 17 November 1864.)

From *E. W. Ravenscroft*, Esq., Officiating Chief Secretary to the Government of Bombay, to *E. H. Lushington*, Esq., Secretary to the Government of India, Financial Department.

WITH reference to the Despatch from Her Majesty's Principal Secretary of State for India, No. 13, Revenue (separate), dated 15th August last, a copy of which was forwarded to this Government under date the 23d September following, with your endorsement, No. 2571, I am directed by his Excellency the Governor in Council to transmit to you, for the purpose of being laid before the Government of India, the accompanying copy of a letter from the Commissioner of Customs, Salt, and Opium, and of the statement therein referred to showing the number of opium chests exported to China from Central India, viâ Bombay, the rate of duty, amount of pass fees, and cost of collection since 1830-31 to 1863-64.

Enclosure 2 in No. 1.

(No. 2807; dated 5 November 1864.)

From *George Inverarity*, Esq., Commissioner of Customs, Bombay, to *E. W. Ravenscroft*, Esq., Acting Secretary to Government, Revenue Department, Bombay.

I HAVE the honour to transmit the Opium Return called for in Mr. Under-Secretary Jacomb's letter, No. 3805, of the 1st ultimo.

2. The records for some years are incomplete, and it has therefore been found impossible

impossible to fill in the Return for each year in the manner required. Such years are duly noted.

3. The instructions of Government direct me to prepare the Return in communication with the Agent Governor General, Central India, but that officer's records do not show the exportation for China, as required by the Home Government, exhibiting only the quantity removed in any year from Malwa to Bombay, where a considerable portion is held over from one year to another, and whence the exportations to China are made as the dealers think best.

Enclosure 3 in No. 1.

STATEMENT showing the Number of Opium Chests Exported to *China* from *Central India*, via *Bombay*, the Rate of Duty, Amount of Pass Fees, and Cost of Collection since 1830-31 to 1863-64.

1. YEARS.	2. Number of Chests Exported to China.	3. Rate of Pass Fees per Chest.	4. Amount of Pass Fees.	5. Cost of Collection.	6. Per-centage of the Cost of Collection.	7. REMARKS.
		Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
1830-31	4,610	175	8,06,793 14 7	58,235 3 3	7 3 6	* No record exists for supplying the exact number of chests exported to China during the years so marked, and the figures in Column 2 have therefore been approximately calculated from the figures in Column 4.
1831-32	10,679	175	18,68,817 1 6	27,635 14 7	1 8 2	
1832-33	6,698	175	11,72,159 7 -	20,684 14 8	1 12 3	
1833-34	10,855	175	18,99,603 13 3	25,717 6 6	1 5 8	
1834-35	6,812	175	11,92,199 10 6	20,027 - 3	1 10 11	
1835-36	†	175 and 125	15,98,819 15 7	20,721 6 11	1 4 9	
1836-37	20,882½		24,31,725 - -	64,230 9 11	2 10 3	
1837-38	10,372½		15,01,250 - -	56,848 - -	3 12 7	
1838-39	17,353		26,76,500 - -	47,575 9 2	1 12 5	
1839-40	*	125	78,775 - -	46,255 5 4	58 9 5	
1840-41	12,022½		22,47,875 - -	41,228 8 11	1 13 4	† In the years so marked, calculations similar to the above are impossible, two rates of duty having existed, while the actual number of chests is not upon record.
1841-42	14,473		18,09,152 8 -	47,352 7 9	2 9 11	
1842-43	19,369		24,21,100 - -	29,964 7 11	1 3 10	
1843-44	16,944		33,88,800 - -	31,445 - 5	14 10	
1844-45	18,150½	200	36,30,100 - -	36,676 8 3	1 - 2	
1845-46	†	200 and 300	60,30,381 12 10	36,311 15 11	- 9 8	
1846-47	17,389½	300	60,14,800 - -	35,168 12 3	- 9 4	
1847-48	†	300 and 400	37,24,000 - -	35,531 4 10	- 15 3	
1848-49	21,392½		89,07,800 - -	51,040 7 7	- 9 2	
1849-50	16,513		73,24,200 - -	42,225 6 1	- 9 3	
1850-51	19,138		69,77,725 14 -	38,701 14 3	- 8 11	For all the other years, the actual number of chests exported is shown.
1851-52	28,168½		1,13,02,800 - -	39,751 6 7	- 5 8	
1852-53	24,979½		1,11,58,400 - -	39,385 12 9	- 5 8	
1853-54	26,113½	400	96,02,000 - -	43,154 1 2	- 7 2	
1854-55	25,958½		1,09,96,400 - -	59,807 13 10	- 8 8	
1855-56	25,576		1,00,56,400 - -	60,599 1 8	- 9 8	
1856-57	29,846½		1,15,65,400 - -	59,993 3 4	- 8 4	
1857-58	36,125½		1,61,62,265 3 6	61,623 3 3	- 6 1	
1858-59	40,849		1,44,44,764 5 5	60,462 9 -	- 6 8	
1859-60	32,534	400 and 500	1,53,62,700 - -	60,849 10 9	- 6 4	
1860-61	43,691	500 and 600	2,44,00,600 - -	68,187 10 5	- 4 6	
1861-62	38,680	600 and 700	2,44,41,400 - -	65,875 6 11	- 4 4	
1862-63	49,485½	700 and 600	3,24,25,000 - -	34,379 3 10	- 1 8	
1863-64	28,210½	600	1,48,40,100 - -	38,401 7 1	- 4 2	

Bombay Office of Commissioner of Customs, }
5 November 1864.

G. Inverarity,
Commissioner of Customs.

Enclosure 4 in No. 1.

(No. 3677, dated 2 December 1864.)

From *E. H. Lushington*, Esq., Secretary to the Government of India, Financial Department, to the Officiating Chief Secretary to the Government of Bombay.

WITH reference to your letter, No. 4558, dated the 17th November 1864, giving cover to a communication from the Commissioner of Customs, Bombay, submitting the return of opium exported to China from Central India, called for by the Secretary of State, I am desired to request that it may be pointed out to the Commissioner, that he was asked to prepare his return in communication with the Agent, Governor General, Central India, in order that the full charges of collection and establishment, and not merely the receipts on account of passes or duty on Malwa opium, might be exhibited.

2. It is now desired by his Excellency the Governor General in Council, that the Commissioner may be requested to communicate on the subject with the Governor General's Agent, and report the result as early as practicable, stating at the same time the different kinds of charges, which he has included in his present return, in the cost of collection.

Enclosure 5 in No. 1.

(No. 4453, dated 31 December 1864.)—Endorsed by the Government of Bengal.

Forwarded in original to the Government of India, in the Financial Department, with reference to Orders, No. 2571, dated the 23d September last.

Enclosure 6 in No. 1.

(No. 82, dated 7 January 1865.)

From *E. W. Ravenscroft*, Esq., Officiating Chief Secretary to Government, Bombay, to *E. H. Lushington*, Esq., Secretary to the Government of India, Financial Department.

WITH reference to your letter, No. 3677, dated the 2d ultimo, I am directed to forward, for the information of the Government of India, the accompanying copy of a letter from the Commissioner of Customs, Salt, and Opium, No. 3255, of the 20th idem, furnishing further information relative to the Return of Opium exported to China from Central India.

Enclosure 7 in No. 1.

(No. 3255, dated 20 December 1864.)

From *G. Inverarity*, Esq., Commissioner of Customs, Bombay, to *E. W. Ravenscroft*, Esq., Acting Chief Secretary to Government, Bombay.

IN acknowledging the receipt of your letter, No. 4952, of the 14th instant, with enclosure from the Secretary to the Government of India, I have the honour to state that, preparatory to the transmission of the return accompanying my letter, No. 2807, of the 5th November last, the Agent, Governor General, Central India, was duly consulted in respect to the charges of collection, and reported that between the years 1834–35 and 1856–57 “no accounts could be given, as the records were destroyed in the mutiny at Indore, on the 1st July 1857.”

2. This omission was, however, of little consequence, as between the years 1836–37 and 1863–64, the whole of the Central India opium charges had been brought upon the accounts of this Department at the Presidency, and the statement already sent was submitted accordingly; the charges for the years 1830–31 to 1835–36 were entered from such data as were procurable, although, as the whole accounts for these years are not forthcoming either at Indore or the Presidency, the fullest reliance cannot be placed upon the results exhibited for that portion of the whole period.

3. The charges comprise ordinary and extraordinary, as per margin; but, as the details of these for the whole period have not been kept on record, they cannot now be given.

Ordinary, comprising—

Charges on account of Establishments, covenanted and uncovenanted.

Extraordinary, comprising—

Printing, Telegraphic, and other Contingent Charges.

— No. 2. —

No. 730, dated 29 December 1864.

From *T. B. Lane*, Esq., Junior Secretary to the Board of Revenue, to the Secretary to the Government of Bengal.

I AM directed by the Board of Revenue to submit herewith, in two statements A and B, the information called for by the Right Honourable the Secretary of State for India, relative to the manufacture and exports of opium during the last 35 years, as desired in your Memorandum, No. 3862t, of the 3d October last.

2. Statement A exhibits the manufacture in each season, dating from 1st September of one year to the 31st August of the next. The extent of provision of each agency is here shown, with the gross charges, the average selling price per chest, and the revenue obtained thereon, both gross and net.

3. Statement B is prepared according to the official year, from 1st May to 30th April, and shows the exports, with the gross revenue thereon.

4. It appears necessary to remark, that the opium season and official year are not identical; and further, that the season's opium is generally sold in the following year; and the exports may either follow immediately after sale, or may, according to the option of purchasers, be left in the public godowns for 12 months longer.

(A.)

PAPERS RELATING TO OPIUM.

STATEMENT showing the Number of Chests made, Gross Charges on account of Opium, Average Cost per Chest, Average Selling Price per Chest, Gross and Net Revenue realised thereupon during the Years 1829-30 to 1863-64, called for by the Right Honourable the Secretary of State for India.

1. Years of Manufacture, 1st September to 31st August.	2. Production, of what Agency.	3. Number of Provision Opium Chests made.	4. Gross Charges on Account of Opium.					5. Average Cost per Chest.	6. Number of Chests sold.	7. Average Selling Price per Chest.	8.		9. Net Revenue.
			Cost of Collections or Amount paid to the Cultivators for Raw Opium.	Cost of Agency Establishment, including transport.	Amount written off to Profit and Loss.	Presidency Charges.	TOTAL.				Gross Revenue.		
											Rs. a. p.	Rs. a. p.	
1829-30 -	Behar -	5,350	Rs. 13,58,215 2 -	Rs. 192,132 3 11	-	-	-	-	5,349	Rs. 1,662 5 5½	S. Rs. 88,91,867 -	-	-
	Benares -	2,215	S. Rs. 4,96,311 -	S. Rs. 1,04,977 -	-	-	-	-	2,214	1,643 8 ¾	36,37,752 6 10	-	-
	TOTAL -	7,565	18,54,426 2 -	297,109 3 11	-	55,393 13 9	22,06,929 3 8	291 11 7½	7,563	1,656 10 1½	1,25,29,619 6 10	10,322,690 3 2	
1830-31 -	Behar -	5,385	14,02,123 5 8	205,732 1 9	-	-	-	-	5,384	1,492 14 5	80,37,762 -	-	-
	Benares -	2,541	603,076 -	111,910 -	-	-	-	-	2,540	1,459 15 6½	37,08,332 12 2	-	-
	TOTAL -	7,926	20,05,199 5 8	317,642 1 9	-	49,469 14 9	23,72,311 6 2	299 4 11	7,924	1,482 5 7	1,17,46,114 12 2	93,73,803 6 10	
1831-32 -	Behar -	7,500½	19,23,877 15 5	235,198 4 1	-	-	-	-	7,499	1,180 13 6½	88,55,172 -	-	-
	Benares -	3,140	723,698 -	138,910 -	-	-	-	-	3,139	1,148 4 2½	36,04,400 -	-	-
	TOTAL -	10,640½	26,47,585 15 5	374,108 4 1	-	55,970 9 3	30,77,684 12 9	289 3 10	10,638	1,170 5 9½	1,24,50,303 -	93,72,638 3 3	
32-33 -	Behar -	8,526	22,02,070 5 2	250,782 6 7	-	-	-	-	8,524	961 11 1½	81,37,498 -	-	-
	Benares -	4,000	899,505 -	163,202 -	-	-	-	-	3,999	928 14 8½	37,14,745 -	-	-
	TOTAL -	12,526	31,01,575 5 2	413,984 6 7	-	55,003 1 1	35,70,562 12 10	285 - 9¾	12,523	951 3 8	1,19,12,243 -	83,41,680 3 2	
1833-34 -	Behar -	8,631½	22,11,827 7 -	338,142 11 11	-	-	-	-	8,628	1,059 4 6½	91,89,491 -	-	-
	Benares -	4,400	10,69,040 -	239,501 -	-	-	-	-	4,399	1,016 1 9¾	44,69,888 -	-	-
	TOTAL -	13,031½	32,80,867 7 -	577,643 11 11	-	56,853 5 10	39,15,364 8 9	300 7 3	13,027	1,044 11 3½	1,36,09,379 -	96,94,014 7 3	
1834-35 -	Behar -	9,905	24,65,022 8 9	337,328 8 5	-	-	-	-	9,874	1,276 9 3	C. Rs. 1,26,04,940 -	-	-
	Benares -	5,400	13,02,452 -	296,569 -	-	S. Rs. 526 -	-	-	5,170	1,277 11 -	66,06,920 -	-	-
	TOTAL -	15,305	37,67,474 8 9	633,897 8 5	-	50,120 10 11	44,52,018 12 1	290 14 2	15,044	1,277 - 8½	1,92,11,860 -	1,47,59,841 3 11	
1835-36 -	Behar -	11,235	29,25,795 5 10	387,446 13 7	-	-	-	-	11,167	1,635 13 7½	1,82,67,566 9 -	-	-
	Benares -	6,084½	C. Rs. 14,71,879 -	C. Rs. 394,123 -	-	C. Rs. 11,816 -	-	-	6,090	1,245 4 7½	75,83,819 -	-	-
	TOTAL -	17,319½	43,97,674 5 10	781,569 13 7	-	11,816 -	52,53,078 5 2	303 5 1½	17,257	1,498 - 4½	2,58,51,385 9 -	2,05,98,307 3 10	

1836-37 -	Behar Benares	12,370 6,739	32,48,644 16,34,372	1 10 -	421,434 475,186	9 6 -	- 16	- -	- -	- -	- -	- -	- -	- -	- -	12,369 6,758	783 2 31 682 6 11	96,86,725 2 9 46,11,497 9 8	- -
	TOTAL	19,129	48,83,216	1 10	896,620	9 6	16	83,617	11 2	58,63,470	6 6	306 8 41	19,127	747 8 71	1,42,98,222	12 5	84,34,752	5 11	
1837-38 -	Behar Benares	12,846 7,363	33,17,418 17,42,973	4 9 -	454,288 810,733	13 8 -	- 9,869	- -	- -	- -	- -	- -	- -	- -	- -	12,845 6,865	538 7 5 525 5 21	69,16,572 14 91 36,06,265 4 8	- -
	TOTAL	20,211	50,60,391	4 9	12,65,021	13 8	9,869	64,925	7 1	64,00,207	9 6	316 10 101	19,710	533 14 21	1,05,22,938	3 51	41,22,730	9 111	
1838-39 -	Behar Benares	11,365 5,443	29,06,342 14,11,761	2 2 -	549,882 452,443	7 2 -	- 12,946	- -	- -	- -	- -	- -	- -	- -	- -	11,269 5,442	557 7 41 530 - 11	62,82,056 10 3 28,84,305 -	- -
	TOTAL	16,808	44,08,103	2 2	10,02,325	7 2	12,946	65,101	9 7	54,88,476	2 11	326 8 101	16,711	548 8 41	91,66,361	10 3	36,77,885	7 4	
1839-40 -	Behar Benares	12,641 6,188	33,23,601 14,75,450	- 4 -	473,598 417,560	12 7 -	- 9,002	- -	- -	- -	- -	- -	- -	- -	- -	12,640 6,187	727 4 11 666 15 41	91,92,569 9 21 41,26,480 -	- -
	TOTAL	18,829	47,99,051	- 4	891,158	12 7	9,002	71,726	5 6	57,70,938	2 5	306 8 -	18,827	707 6 8	1,33,18,549	9 21	75,47,611	6 91	
1840-41 -	Behar Benares	13,015 5,349	35,04,960 12,79,105	15 3 -	472,378 366,138	8 - -	- -	- -	- -	- -	- -	- -	- -	- -	- -	13,014 5,348	819 9 7 792 14 -1	1,06,66,268 - 11 42,40,308 14 71	- -
	TOTAL	18,364	47,84,065	15 3	838,516	- 8	-	65,495	- 1	56,88,097	- -	309 11 101	18,362	811 13 -1	1,49,06,576	14 81	92,18,479	14 61	
1841-42 -	Behar Benares	9,700 5,470	25,75,919 12,69,055	2 8 -	432,409 344,080	9 6 -	- 18,293	- -	- -	- -	- -	- -	- -	- -	- -	9,635 5,469	1,398 7 101 1,285 2 3	1,34,74,461 15 111 70,28,436 -	- -
	TOTAL	15,170	38,44,974	2 8	776,489	9 6	18,293	67,019	1 1	47,06,775	13 3	310 4 31	15,104	1,344 3 41	2,03,02,996	15 101	1,55,96,221	2 71	
1842-43 -	Behar Benares	12,545 5,807	33,16,315 13,92,575	3 6 -	515,624 376,096	15 11 -	- 250	- -	- -	- -	- -	- -	- -	- -	- -	12,544 5,806	1,365 9 -1 1,274 6 -1	1,71,29,636 11 71 73,99,030 -	- -
	TOTAL	18,352	47,08,890	3 6	891,720	15 11	250	61,296	13 5	56,62,158	- 10	308 8 51	18,350	1,336 11 41	2,45,28,666	11 71	1,88,66,508	10 91	
1843-44 -	Behar Benares	14,886 6,639	39,20,028 16,27,244	- 9 -	537,427 411,327	3 8 -	- -	- -	- -	- -	- -	- -	- -	- -	- -	14,799 6,638	1,379 13 11 1,261 9 81	2,04,19,985 11 -1 83,74,560 -	- -
	TOTAL	21,525	55,47,272	- 9	968,754	3 8	-	78,032	9 4	65,94,058	13 9	306 5 6	21,437	1,343 3 51	2,37,94,545	11 -1	2,22,00,486	13 31	
1844-45 -	Behar Benares	15,604 6,403	41,20,106 15,80,261	1 1 -	558,292 396,794	3 11 -	- -	- -	- -	- -	- -	- -	- -	- -	- -	15,576 6,462	1,277 12 101 1,174 9 61	1,99,03,103 5 4 75,90,240 3 111	- -
	TOTAL	22,007	57,00,367	1 1	955,086	3 11	-	87,848	11 4	67,43,302	- 4	305 9 31	22,038	1,247 8 8	2,74,93,343	9 31	2,07,50,041	8 111	
1845-46 -	Behar Benares	15,206 6,445	41,72,253 16,01,823	10 9 -	563,642 387,120	8 10 -	- -	- -	- -	- -	- -	- -	- -	- -	- -	15,205 6,444	1,291 4 21 1,215 12 61	1,96,33,675 - 78,34,515 -	- -
	TOTAL	21,651	57,74,076	10 9	950,762	8 10	-	62,044	14 3	67,86,884	1 10	313 7 51	21,649	1,268 12 9	2,74,68,190	- -	2,06,81,305	14 2	

PAPERS RELATING TO OPIUM.

STATEMENT, showing the Number of Chests Made, Gross Charges on account of Opium, Average Cost per Chest, Average Selling Price per Chest, Gross and Net Revenue, &c.—continued.

1. Years of Manufac- ture, 1st Septem- ber to 31st August.	2. Production, of what Agency.	3. Number of Provision Opium Chests made.	4. Gross Charges on account of Opium.				5. Average Cost per Chest.	6. Number of Chests Sold.	7. Average Selling Price per Chest.	8. Gross Revenue.	9. Net Revenue.
			Cost of Agency Establishment, including Transport.	Amount written off to Profit and Loss.	Presidency Charges.	TOTAL.					
1846-47	-	-	Rs. a. p. 61,64,659 9 6 23,33,881 - - 84,98,540 9 6	Rs. a. p. - 39,754 - - 39,754 - -	Rs. a. p. - - -	Rs. a. p. - - -	21,461 9,032 30,493	Rs. a. p. 891 1 10½ 843 11 3¼ 877 1 2¼	1,91,24,265 3 2½ 76,20,371 4 6¼ 2,67,44,636 7 9	- - 1,69,27,165 7 6	
1847-48	-	-	67,70,813 13 8 24,86,856 - - 92,57,669 13 8	- - -	- - -	- - -	26,627 9,832 36,459	967 15 10 963 4 9¼ 966 11 7¼	2,57,74,678 14 2¼ 94,71,160 - - 3,52,45,838 14 2¼	- - 2,46,20,357 3 1½	
1848-49	-	-	65,67,618 8 - 25,72,431 - - 91,40,049 8 -	- - -	- - -	- - -	24,999 10,384 35,383	999 2 4 1,006 12 5½ 1,001 6 2¼	2,49,77,674 9 1½ 1,04,54,405 - - 3,54,32,079 9 1½	- - 2,49,79,919 2 11½	
1849-50	-	-	61,74,746 - 8 26,80,396 - - 88,55,142 - 8	167,654 13 8 11,050 - - 178,704 13 8	- - -	- - -	23,754 10,655 34,409	948 1 11 913 1 5½ 937 4 4¼	2,95,21,640 3 7½ 97,28,999 6 11¼ 3,22,50,639 10 7	- - 2,18,26,238 9 4	
1850-51	-	-	62,73,885 11 5 25,98,385 - - 88,72,270 11 5	- 703 - - 703 - -	- - -	- - -	23,012 10,349 33,561	1,108 14 1½ 1,111 11 5½ 1,109 12 4½	2,55,17,625 - - 1,17,27,510 - - 3,72,45,135 - -	- - 2,73,41,562 4 -	
1851-52	-	-	67,42,242 3 6 31,40,005 - - 98,82,247 3 6	- 22 - - 22 - -	- - -	- - -	26,464 12,999 39,463	970 5 -½ 974 10 6½ 971 11 11½	2,56,78,428 10 1½ 1,26,69,604 12 1½ 3,83,48,033 6 3½	- - 2,70,77,454 8 1½	
1852-53	-	-	88,21,679 14 3 34,21,783 - - 1,22,43,412 14 3	- - -	- - -	- - -	34,273 14,046 48,319	755 - 11½ 772 6 7 760 1 8	2,58,78,229 5 7 1,08,49,305 - - 3,67,27,534 5 7	- - 2,39,09,095 8 -	
1853-54	-	-	95,22,321 15 8 39,54,442 - - 1,34,76,763 15 8	- 481 - - 481 - -	- - -	- - -	36,545 16,774 53,319	733 15 1½ 742 10 2½ 736 10 10½	2,68,22,014 9 11½ 1,24,57,003 7 7½ 3,92,79,018 1 7	- - 2,42,60,854 4 6	

1854-55	Behar	-	32,210½	-	81,10,758 11	-	893,397 10 5½	-	-	-	-	-	-	-	-	-	29,262	935	-	10½	2,73,90,849 11 7½	-
	Benares	-	12,231	-	29,15,006	-	468,282	-	-	-	-	-	-	-	-	-	12,230	963	2	¼	1,17,79,040 4 9½	-
	TOTAL	-	44,441½	-	1,10,25,764 11	-	13,61,679 10 5½	-	-	-	-	-	-	-	-	-	41,492	944	-	6½	3,91,69,890	- 5
1855-56	Behar	-	30,500	-	73,08,932 12 5	-	875,976 14 9	-	-	-	-	-	-	-	-	-	30,497	1,094	4	6½	3,33,72,440 8 1½	-
	Benares	-	13,407	-	29,47,375	-	531,952	-	-	-	-	-	-	-	-	-	13,405	1,082	11	2½	1,45,13,600	-
	TOTAL	-	43,907	-	1,02,56,307 12 5	-	14,07,928 14 9	-	-	-	-	-	-	-	-	-	43,902	1,090	11	11½	4,78,86,040 8 1½	-
1856-57	Behar	-	22,036	-	54,16,090 15 8	-	810,443 15 10	-	96,349 6 2	-	-	-	-	-	-	-	22,021	1,435	9	6½	3,16,13,273 4 2½	-
	Benares	-	10,667	-	23,80,728	-	492,492	-	40,205	-	-	-	-	-	-	-	10,665	1,463	11	6	1,56,10,570 1 8	-
	TOTAL	-	32,693	-	77,96,818 15 8	-	13,02,935 15 10	-	136,554 6 2	-	84,233 6	-	-	-	-	-	32,686	1,444	12	4	4,72,23,843 5 10½	-
1857-58	Behar	-	23,000½	-	61,66,897 9 7	-	827,703 3 1	-	14,435 2 2	-	-	-	-	-	-	-	22,999	1,635	-	9½	3,76,04,475	-
	Benares	-	4,175	-	965,803	-	371,555	-	17	-	-	-	-	-	-	-	4,174	1,662	15	11½	69,41,350	-
	TOTAL	-	27,175½	-	71,32,705 9 7	-	11,99,258 3 1	-	14,452 2 2	-	115,712 9 2	-	66,03,312 2 4	-	311 7 2	-	27,173	1,639	5	5½	4,45,45,825	-
1858-59	Behar	-	15,247	-	39,56,848 5 5	-	685,976 11 6	-	1,583 8 3	-	-	-	-	-	-	-	15,244	1,772	7	10	2,70,19,850	-
	Benares	-	6,130	-	14,15,980	-	426,088	-	1,123	-	-	-	-	-	-	-	6,119	1,731	8	3	1,05,95,145	-
	TOTAL	-	21,367	-	53,72,828 5 5	-	11,12,064 11 6	-	2,706 8 3	-	115,712 9 2	-	66,03,312 2 4	-	309 - 8	-	21,363	1,760	12	-¾	3,76,14,995	-
1859-60	Behar	-	14,665	-	40,89,740 8 8	-	647,216 2 7	-	6,404 3 4	-	-	-	-	-	-	-	14,664	1,852	3	4½	2,71,60,845	-
	Benares	-	6,762	-	17,39,468	-	451,090	-	512	-	-	-	-	-	-	-	6,759	1,835	9	2½	1,24,06,650	-
	TOTAL	-	21,427	-	58,29,208 8 8	-	10,98,306 2 7	-	6,916 3 4	-	113,762 13	-	70,48,193 11 7	-	328 15 -½	-	21,423	1,846	15	4½	3,95,67,495	-
1860-61	Behar	-	15,745	-	53,63,507 15 -	-	667,576 7 -	-	1,975 2 2	-	-	-	-	-	-	-	15,744	1,480	4	5½	2,33,05,505	-
	Benares	-	13,650	-	39,43,257 -	-	631,113 -	-	40	-	-	-	-	-	-	-	13,649	1,414	1	5	1,93,00,905	-
	TOTAL	-	29,395	-	93,06,764 15 -	-	12,98,688 7 -	-	2,015 2 2	-	92,795 11 11	-	1,07,00,264 4 1	-	364 - 3	-	29,393	1,449	8	8	4,26,06,410	-
1861-62	Behar	-	22,351	-	91,06,628 15 9	-	755,734 2 4	-	161 4 2	-	-	-	-	-	-	-	22,313	1,401	1	6½	3,12,62,638 13 5½	-
	Benares	-	17,305	-	59,03,425 -	-	792,820 -	-	26,607 -	-	-	-	-	-	-	-	16,927	1,335	11	5	2,26,09,630	-
	TOTAL	-	39,656	-	1,50,10,053 15 9	-	15,78,554 2 4	-	26,768 4 2	-	100,989 2 4	-	1,67,16,365 8 7	-	421 8 6½	-	39,340	1,372	14	3	5,38,72,265 13 5½	-
1862-63	Behar	-	27,337	-	1,03,32,841 11 6	-	864,185 8 4	-	1,956 3 1	-	-	-	-	-	-	-	27,386	-	-	-	2,82,50,995	-
	Benares	-	22,341	-	77,83,829 -	-	960,119 -	-	30	-	-	-	-	-	-	-	22,260	-	-	-	2,14,97,000	-
	TOTAL	-	49,728	-	1,87,16,670 11 6	-	18,24,304 8 4	-	1,986 3 1	-	109,680 -	-	2,06,52,641 6 11	-	415 4 11½	-	49,646	1,002	-	10	4,97,47,995	-
1863-64	Behar	-	35,038	-	1,35,94,869 2 3	-	10,05,130 13 9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Benares	-	29,231	-	1,63,13,888 -	-	11,40,846 -	-	489 -	-	-	-	-	-	-	-	-	-	-	-	-	-
	TOTAL	-	64,269	-	2,39,08,757 2 3	-	21,45,976 13 9	-	489 -	-	121,760 13 3	-	2,61,76,983 13 3	-	407 4 10½	-	-	-	-	-	-	-

* The sale of this opium is advertised to take place in all—1865.

Board of Revenue,
Fort William, 29 December 1864.(signed) J. B. Lane,
Junior Secretary.

Enclosure 2, in No. 2.

(B.)

STATEMENT showing the Number of Opium Chests exported to China and other Ports, and the Gross Revenue realized thereupon, during the Official Years 1829-30 to 1863-64, called for by the Right Honourable the Secretary of State for India.

1. Years of Exportation.	2. Production of what Agency.	3. Number of Chests Exported to			4. Gross Revenue.		
		China.	Singapore, Penang, &c.	TOTAL.	Rs. a. p.		
1829-30 -	Behar - - -	5,508	1,413	6,921	87,34,301	-	-
	Benares - - -	1,935	822	2,757	35,29,427	-	-
	TOTAL - - -	7,443	2,235	9,678	1,22,63,728	-	-
1830-31 -	Behar - - -	4,337	781	5,118	78,19,952	-	-
	Benares - - -	1,253	745	1,998	30,81,093	-	-
	TOTAL - - -	5,590	1,526	7,116	1,09,01,045	-	-
1831-32 -	Behar - - -	5,138	196	5,334	84,06,169	-	-
	Benares - - -	1,612	561	2,173	33,72,662	-	-
	TOTAL - - -	6,750	757	7,507	1,17,78,831	-	-
1832-33 -	Behar - - -	6,072	385	6,457	82,39,948	-	-
	Benares - - -	1,468	1,460	2,928	36,91,327	-	-
	TOTAL - - -	7,540	1,845	9,385	1,19,31,275	-	-
1833-34 -	Behar - - -	7,609	289	7,898	82,30,754	-	-
	Benares - - -	2,542	1,490	4,032	40,69,393	-	-
	TOTAL - - -	10,151	1,779	11,930	1,23,00,147	-	-
1834-35 -	Behar - - -	7,493	274	7,767	76,98,937	-	-
	Benares - - -	1,987	1,296	3,283	31,57,632	-	-
	TOTAL - - -	9,480	1,570	11,050	1,08,56,569	-	-
1835-36 -	Behar - - -	9,688	179	9,867	1,17,76,009	-	-
	Benares - - -	3,333	1,607	4,940	55,25,971	-	-
	TOTAL - - -	13,021	1,786	14,807	1,73,01,980	-	-
1836-37 -	Behar - - -	8,184	107	8,291	1,23,42,988	-	-
	Benares - - -	2,309	2,134	4,443	60,01,126	-	-
	TOTAL - - -	10,493	2,241	12,734	1,83,44,114	-	-
1837-38 -	Behar - - -	11,957	108	12,065	1,36,63,635	-	-
	Benares - - -	4,155	3,087	7,242	74,76,622	-	-
	TOTAL - - -	16,112	3,195	19,307	2,11,40,257	-	-
1838-39 -	Behar - - -	11,187	337	11,524	97,89,503	-	-
	Benares - - -	3,312	3,385	6,697	48,10,895	-	-
	TOTAL - - -	14,499	37,22	18,221	1,46,00,398	-	-
1839-40 -	Behar - - -	3,472	8,994	12,466	52,78,049	-	-
	Benares - - -	283	5,761	6,044	25,16,233	-	-
	TOTAL - - -	3,755	14,755	18,510	77,94,282	-	-

STATEMENT showing the Number of Opium Chests exported to China and other Ports, &c.

1 Years of Exportation.	2. Production of what Agency.	3. Number of Chests exported to			4. Gross Revenue.
		China.	Singapore, Penang, &c.	TOTAL.	
					<i>Rs. a. p.</i>
1840-41 - -	Behar - - -	4,889	6,256	11,145	74,11,339 - -
	Benares - - -	928	5,337	6,265	39,53,620 - -
	TOTAL - - -	5,817	11,593	17,410	1,13,64,959 - -
1841-42 - -	Behar - - -	9,082	4,888	13,965	1,03,80,025 - -
	Benares - - -	1,670	4,104	5,774	41,18,596 - -
	TOTAL - - -	10,752	8,987	19,739	1,44,98,621 - -
1842-43 - -	Behar - - -	9,429	1,869	11,298	1,19,44,164 - -
	Benares - - -	2,438	2,782	5,220	52,16,603 - -
	TOTAL - - -	11,867	4,651	16,518	1,71,60,767 - -
1843-44 - -	Behar - - -	10,230	1,215	11,445	1,54,43,412 - -
	Benares - - -	2,837	3,577	6,414	80,08,600 - -
	TOTAL - - -	13,067	4,792	17,859	2,34,52,012 - -
1844-45 - -	Behar - - -	11,761	1,082	12,843	1,68,71,611 - -
	Benares - - -	2,948	3,001	5,949	75,22,681 - -
	TOTAL - - -	14,709	4,083	18,792	2,43,94,292 - -
1845-46 - -	Behar - - -	12,830	948	13,778	1,93,78,145 - -
	Benares - - -	3,435	3,340	6,775	85,60,732 - -
	TOTAL - - -	16,265	4,288	20,553	2,79,38,877 - -
1846-47 - -	Behar - - -	17,732	1,083	18,815	2,39,54,599 - -
	Benares - - -	2,936	3,239	6,175	72,92,917 - -
	TOTAL - - -	20,668	4,322	24,990	3,12,47,516 - -
1847-48 - -	Behar - - -	16,075	892	16,967	1,73,91,106 - -
	Benares - - -	3,359	3,551	6,910	68,40,565 - -
	TOTAL - - -	19,434	4,443	23,877	2,42,31,671 - -
1848-49 - -	Behar - - -	22,306	455	22,761	2,00,95,127 - -
	Benares - - -	5,564	3,962	9,526	82,80,356 - -
	TOTAL - - -	27,870	4,417	32,287	2,83,75,483 - -
1849-50 - -	Behar - - -	26,583	976	27,559	2,81,30,568 - -
	Benares - - -	4,413	3,121	7,534	77,84,141 - -
	TOTAL - - -	30,996	4,097	35,093	3,59,14,709 - -
1850-51 - -	Behar - - -	23,181	417	23,598	2,26,38,453 - -
	Benares - - -	5,711	3,593	9,304	89,12,300 - -
	TOTAL - - -	28,892	4,010	32,902	3,15,50,753 - -
1851-52 - -	Behar - - -	21,717	31	21,748	2,13,09,034 - -
	Benares - - -	6,204	4,354	10,558	1,00,68,750 - -
	TOTAL - - -	27,921	4,385	32,306	3,13,77,814 - -
1852-53 - -	Behar - - -	22,852	227	23,079	2,32,33,280 - -
	Benares - - -	8,581	4,518	13,099	1,49,67,664 - -
	TOTAL - - -	31,433	4,745	36,178	4,02,00,944 - -

STATEMENT showing the Number of Opium Chests exported to China and other Ports, &c.

1. Years of Exportation.	2. Production of what Agency.	3. Number of Chests exported to			4. Gross Revenue.		
		China.	Singapore, Penang, &c.	TOTAL.	Rs. a. p.		
1853-54 -	Behar - - -	27,109	356	27,465	2,46,68,645	-	-
	Benares - - -	6,832	6,498	13,330	1,22,33,442	-	-
	TOTAL - - -	33,941	6,854	40,795	3,69,02,087	-	-
1854-55 -	Behar - - -	35,902	524	36,426	2,56,69,528	-	-
	Benares - - -	8,050	6,945	14,995	1,12,78,641	-	-
	TOTAL - - -	43,952	7,469	51,421	3,69,48,169	-	-
1855-56 -	Behar - - -	30,479	249	30,728	2,42,90,727	-	-
	Benares - - -	7,372	6,838	14,210	1,20,98,691	-	-
	TOTAL - - -	37,851	7,087	44,938	3,63,89,418	-	-
1856-57 -	Behar - - -	29,421	306	29,727	2,68,62,207	-	-
	Benares - - -	7,038	5,676	12,714	1,13,25,832	-	-
	TOTAL - - -	36,459	5,982	42,441	3,81,88,039	-	-
1857-58 -	Behar - - -	26,861	537	27,398	3,38,56,511	-	-
	Benares - - -	5,017	6,198	11,215	1,36,04,680	-	-
	TOTAL - - -	31,878	6,735	38,613	4,74,61,191	-	-
1858-59 -	Behar - - -	29,210	767	29,977	4,59,85,313	-	-
	Benares - - -	4,648	60	4,708	57,60,989	-	-
	TOTAL - - -	33,858	827	34,685	5,17,46,302	-	-
1859-60 -	Behar - - -	19,524	924	20,448	3,35,84,578	-	-
	Benares - - -	2,805	2,697	5,502	96,26,159	-	-
	TOTAL - - -	22,329	3,621	25,950	4,32,10,737	-	-
1860-61 -	Behar - - -	12,599	690	13,289	2,39,33,855	-	-
	Benares - - -	3,089	2,931	6,020	1,17,85,082	-	-
	TOTAL - - -	15,688	3,621	19,309	3,57,18,937	-	-
1861-62 -	Behar - - -	16,830	540	17,370	2,97,64,460	-	-
	Benares - - -	4,502	4,700	9,202	1,43,65,567	-	-
	TOTAL - - -	21,332	5,240	26,572	4,41,30,027	-	-
1862-63 -	Behar - - -	16,657	993	17,650	2,55,67,914	-	-
	Benares - - -	9,189	5,822	15,011	2,08,46,203	-	-
	TOTAL - - -	25,846	6,815	32,661	4,64,14,117	-	-
1863-64 -	Behar - - -	23,075	890	23,965	3,00,23,325	-	-
	Benares - - -	10,740	7,916	18,656	2,20,49,033	-	-
	TOTAL - - -	33,815	8,806	42,621	5,20,72,358	-	-

Board of Revenue,
Fort William, 29 December 1864. }

(signed) T. B. Lane, Junior Secretary.

O P I U M.

RETURN of OPIUM Exported to *China* from
Central India via *Bombay* since the Year 1830,
showing the Number of Chests, the Rate of Duty,
the Cost of Collection and Establishment, and
the Receipts on account of Passes or Duty in
each Year; and, similar RETURN from *Bengal*,
adding Advances made to Cultivators, Expenses
of Collection and Establishment; &c.

(*Mr. Vansittart.*)

Ordered, by The House of Commons, to be Printed,
2 March 1865.

EAST INDIA (OUDE).

P A P E R S

RELATING TO THE

ADMINISTRATION OF OUDE.

(In continuation of Parliamentary Paper, No. 426, of
Session 1861.)

(PRESENTED TO PARLIAMENT BY HER MAJESTY'S COMMAND.)



Ordered, by The House of Commons, to be Printed,
20 February 1865.

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P A P E R S

RELATING TO THE

ADMINISTRATION OF OUDE.

(Foreign Department, Political—No. 182.)

The Governor General of India in Council to the Right Honourable Sir Charles Wood, Bart., M.P. and G.C.B., Her Majesty's Secretary of State for India.

Sir,

Fort William, 4 December 1861.

WE have the honour to transmit, for your information, a Gazette Extraordinary, containing an account of the reception by the Governor General of the talookdars and chief landholders of Oudh, at Lucknow, on the 5th November, together with copies of the papers noted in the accompanying abstract.

2. These papers will show how our attention came to be attracted to the crime of female infanticide in Oudh, and the steps which have been taken in consequence.

3. The instructions to be given to the officiating Chief Commissioner of Oudh, regarding the resolutions passed by the talookdars, will be communicated to you hereafter.

MINUTE by Lord *Canning*, 27 November 1861.

A DESPATCH should be written to the Secretary of State, saying that these papers will show how the attention of the Government of India came to be attracted to the crime of female infanticide in Oude, and the steps which have been taken in consequence.

I believe it may truly be said that, so far as can be judged at present, the Governor General and these Members of his Council (Sir Bartle Frere and the Honourable Mr. Ritchie) who were present at the recent reception given to the talookdars at Lucknow, see good reason to believe that the suppression of the crime has been undertaken heartily by the talookdars, and that they will persevere in it. The purport and tone of the resolutions passed by them, and inclosed herewith, seem also to indicate earnestness.

Be this as it may, there was no doubt in the minds of the chief officers, civil and military, who had witnessed the durbar held by the Governor General at Lucknow, two years before, and who were present on this occasion, as to the change which had come over the talookdars on the interval. The individuals were, for the most part, the same. Many had been implicated actively in the rebellion. Very few had stood clear of the charge of having countenanced it. Still fewer had escaped the original sentence of confiscation passed in 1858. But in their tone and carriage, and especially in the appearance of cheerfulness and frankness which marked their intercourse with the English officers, and in the interest and right spirit with which the most intelligent of them discussed the measures of the Government, they were altogether new men.

There seems to be no reason to question their spontaneous assertion that the step which they have now taken is a fruit of the treatment which they have received.

Of the value of the hearty co-operation of the great lords and landholders of the country in the suppression of a crime which, horrible as it is, is nevertheless peculiarly intangible by ordinary police and law, there is no need to speak.

The instructions to be given to the officiating Chief Commissioner regarding the resolutions passed by the talookdars, will be communicated to the Secretary of State hereafter.

MINUTE by the Honourable Sir *H. B. E. Frere*, 27 November 1861.

I COULD only contrast the tolookdars as I saw them lately assembled at Lucknow with the few who visited Calcutta several months ago. But, even in these few, the improvement in appearance, manner, and confidence, was sufficiently marked for me to understand the surprise expressed by all the older residents of Lucknow, and those visitors who had been there in 1859, at the marvellous change which had taken place, and which had converted the sullen, suspicious, self-condemned rebels of 1858, into certainly the finest, most intelligent, and cheerful body of native country gentlemen I have ever seen in India. My general impression was, that we might do any thing with such men by treating them properly, and I could not help being struck by Mr. Yule's reply to my remark on their appearance, and on the excellent spirit which seemed to pervade them. "How grievous," he said, "it is to think what an amount of valuable material for administration in men possessed of so much property, local influence, intelligence, and desire to meet our wishes, we have for years systematically neglected, and thrust from us, not only here but everywhere else."

This is, I am confident, one of the great morals to be drawn from our connection of late years with Oude; and I only trust that it may be observed and acted on in other provinces than Oude; for it often afterwards occurred to me as a fact of almost portentous significance, that from the borders of Oude back to Calcutta, in a journey of between 600 and 700 miles, I might travel for a whole day through many an estate of princely extent, yielding a vast income and immense influence to its owner, but that no one of those owners could exercise the legal authority of a parish constable, nor, except by indirect, sordid, and often illegal means, apply the power he possessed to influence the administration of the country, unless, indeed, he happened to be a stipendiary servant of Government, a situation which he could only fill in some of the lower grades of the Government service, or unless he happened to be one of the few dozen of honorary magistrates who have, within the last few months, and at the instance of the Government of India been appointed in Bengal. I must say that to one unaccustomed to this absolute severance between property and the influence it confers on the one hand, and the authority of Government on the other, such a condition of a country appears full of danger, social and political, and quite incompatible with stability of administration, or security from some of the worst forms of mis-government. I think that even to those who see least room for alteration in our system of dealing with the great landed proprietors elsewhere, the experiment now on its trial in Oude must appear of the highest interest and importance.

I took great pains to ascertain how far the movement to which these papers specially refer was really spontaneous, and how it originated.

I was assured by those who had the means of knowing that the idea really had its origin among the talookdars themselves, and that it was the result of a desire very generally felt among them to do something which should mark their sense of the trust which had been reposed in them, and their capacity for its exercise, in accordance with the humane and enlightened views of the English Government.

From what was stated to me, I have very little doubt that they were much influenced in all they did by a feeling which I heard more fully expressed a few days afterwards by a very intelligent, well-educated, and influential native gentleman at Benares. He was replying to questions as to the motives which had actuated the leading people of that city in drawing up the address which had
been

been presented that morning to the Governor General, and explaining why the Hindoos of Banares had gone out of their way to pay to the Viceroy a mark of homage which he stated, as far as he knew, had not been offered to any Governor General since Warren Hastings was at Banares. He asserted that their desire was to express to Lord Canning their gratitude for a declaration of policy and a course of administration which were calculated to eradicate from the minds of the natives the distrust engendered by much of the action of our Government under previous administrations. He declared that distrust to have been far deeper and more general than he believed we were at all aware of, and while, when pressed for examples, he specified the annexation of Nagpore and of Oude as two measures which had made the deepest and most unfavourable impression at Banares, he stated his belief that other portions of our policy had produced a similar effect in alarming the Hindoos as to our probable future policy. It was not, he said, merely the measures regarding adoption, but the whole course of the Governor General's policy, especially in Oude, which had tended to restore confidence, and, he added, it was less the measures themselves than the time chosen for their promulgation which had struck the native community, and largely contributed to a conviction that the Governor General was in earnest; that the policy announced had been adopted on principle, and would be honestly and consistently carried out. It was not, he observed, notified, while rebellion was still successful or formidable, and while such an announcement might be looked on as a profitable bid for popularity, or the result of weakness. "The Viceroy," he remarked, "waited till he had the whole country under his heel, and filled with European troops, and then gave what he thought just; the time, even more than the character of the grant, had convinced them that it resulted, as much from consciousness of power, as from anxiety to be just and merciful."

These remarks, which were not addressed to me, though in my hearing, tallied with much that I heard at Lucknow, and furnish, I have not a doubt, a key to the motives of the talookdars. How far the action of such motives can be relied on as permanent, time alone can show. I can only say that I have not for many years seen or heard of anything which seems to me so full of hope for an administration which shall not rest on main force for its support, as what I saw and heard during our brief visit to Lucknow.

MINUTE by the Honourable *W. Ritchie*, 29 November 1861.

I most cordially concur in the remarks of His Excellency the Governor General, and in the opinion that, so far as it is possible to judge of the motives of men situated as the talookdars of Oude are, the resolution taken by them, to use their utmost endeavours to suppress infanticide, is a fruit, and in my judgment one of the most valuable, as it is one of the first fruits, of the treatment which they have received from His Excellency. I should think it wrong, limited as my own means of observation, and of forming a right judgment during my late visit to Lucknow, where, if I did not bear willing testimony to the apparent sincerity and heartiness which marked the tone of the talookdars, not only in public durbar, but on every occasion on which the name of the Viceroy, or the step taken by them on bidding him farewell, was referred to.

I also heartily concur in the general impressions formed by Sir Bartle Frere during his late visit to Lucknow as stated in his Minute. I feel bound, however, to say, that, while giving full weight to the instances quoted by him of the expression of enlightened native opinion, which entirely accord with instances with which I met, I do not think great value can be attached to the expression at the present time, even by a native gentleman so respectable and intelligent as the one referred to by Sir Bartle Frere, as to the unfavourable impression produced at the time at Banares or elsewhere, than in Nagpore and Oude themselves, on the native community at large, by the annexation of their Provinces.

From *C. U. Aitchison*, Esq., Under Secretary to the Government of India, Foreign Department, to the Officiating Chief Commissioner of Oude (No. 5563); dated 26 September 1861.

Sir,

WITH reference to the abstract of your proceedings in the General Department for the week ended the 7th instant, I am directed to request that you will submit, for the information of the Governor General in Council, a Report on Entry No. 57,* regarding the suppression of female infanticide.

From *Charles Currie*, Esq., Secretary to the Chief Commissioner of Oude, to the Secretary to the Government of India, Foreign Department (No. 2366); dated Lucknow, 7th October 1861.

Sir,

IN reply to your letter No. 5563, dated the 26th ultimo, calling for a Report on entry No. 57, regarding the suppression of female infanticide, I have the honour, by desire of the officiating Chief Commissioner, to inform you, that soon after his arrival in Lucknow, happening to read Sir W. Sleeman's Tour in Oude, the officiating Chief Commissioner was much struck with his account of the extent to which female infanticide existed in the province, for until then he was not aware that it existed at all so far to the eastward as this.

2. The officiating Chief Commissioner's attention thus being called to the subject, he began to question the numerous talookdars and native gentlemen who came to visit him as to whether the practice still prevailed, and to what extent. They were unanimous as to its existence, but all agreed that it was not so prevalent as before annexation; the Rajpoot tribes who practise it being uncertain as to the measures we should take in regard to the crime if discovered, and afraid of police inquiries.

3. The officiating Chief Commissioner's informants said that villages might now be seen with a few young girls under five years of age in them, when formerly such a thing was unknown. In short, they said infanticide might have decreased 10, 20, or 30 per cent.; perhaps in some places as much as by one-half. Most of the native gentlemen agreed that all the tribes of Rajpoots practised the crime, although one or two small tribes were excepted, or reckoned doubtful by the others. They were of one mind in denouncing the crime, and expressed their willingness to do their best to stop it. This they considered could be effected only by the united action of the landowners of the province working on the strong feelings of the guilty tribes in regard to cast and exclusion from society.

4. The talookdars' committee at Lucknow took up the matter, and communicated regarding it with the landowners generally, and circulated a form by which each person who signed it engaged to use his best exertions for the abolition of the practice.

5. At this stage the officiating Chief Commissioner issued the letter which has attracted your notice, and of which a copy is enclosed.

6. The officiating Chief Commissioner proposes assembling the talookdars in Lucknow about the end of this month, in order to have the measures to be adopted, discussed, and resolved on. And if His Excellency the Governor General, towards whom personally, as well as officially, the landowners of Oudh look with such deep feelings of gratitude and affection, will honour this city with a visit,

* No. 57.—To Commissioners of Divisions in Oude.

Observes that some of the talookdars of Oude, especially Maharajahs Digbijai Sing and Maun Sing, having earnestly taken up the question of the suppression of female infanticide so fearfully prevalent in the Province, are circulating a printed form of engagement to cease from the practice. Forwards copies of the pamphlets for distribution among the local officers, and states that the officiating Chief Commissioner confidently trusts that they will exert the whole weight of their influence in forwarding so praiseworthy an object.

visit, and in such manner as he deems best, receive their promise to put an end to the slaughter of female children wherever their influence extends, the Officiating Chief Commissioner has no doubt that they will endeavour to abide by their promise. The officiating Chief Commissioner is sure that no other measure available could have nearly so powerful an effect as His Excellency's showing the personal interest he takes in the good work, and receiving in person their engagements to enter on and continue in it.

From *Charles Currie, Esq.*, Secretary to the Chief Commissioner of Oudh, to all Commissioners in Oudh (No. 103-2161); dated Lucknow, the 5th September 1861.

Sir,

SOME of the talookdars of Oudh, and especially Maharajahs Digbijai Sing and Maun Sing, have earnestly taken up the question of the suppression of female infanticide, so fearfully prevalent in some parts of the province, and are circulating a printed form of engagement to cease from the practice. Copies of these pamphlets are sent to you for distribution among the local officers, and the officiating Chief Commissioner confidently trusts that you and they will exert the whole weight of your influence in favour of so praiseworthy an object. He, however, wishes that your exertions should be confined to private conversation and correspondence, and particularly to stimulating the more intelligent and influential residents in each zillah, to discuss the subject with their friends and tenants, impressing upon them the obligation under which every man lies, be his religion what it may, to do what he can for the suppression of a practice contrary to Divine law, and inhuman, and infamous in the highest degree.

2. You will observe that this object is to be effected, if possible, in the only way likely to be effectual, viz., by the action of the people themselves; and that for this purpose no further aid will probably be required from Government and its officers, than the most hearty encouragement, and a rule precluding the courts, civil and criminal, from receiving complaints regarding exclusion from caste or society, and its consequences.

3. You are requested to lose no time in spreading far and wide the knowledge of the purpose in view, as the officiating Chief Commissioner has some reason to hope that His Excellency the Governor General, who has already done so much for the province, will give his powerful aid in this matter, by receiving personally the promise of all its gentry able to attend durbar, to help with all their influence in relieving their country of such a disgrace.

Translation of Circular from the Committee of Oudh Talookdars, relative to Female Infanticide.

WE inspected and scrutinised the paper written by Maharajah Digbijai Sing Bahadoor and Maharajah Maun Sing Bahadoor, regarding the proposed prevention of female infanticide. Indeed, the existence of such a custom is unbecoming and pernicious both in this and in the next world. Not only the perpetrators of this crime, but we ourselves are responsible for this act to God and to the reigning power, because by the will of God, which is mostly inclined to support his creatures, the ruling power has intrusted us with powers which we should exercise in good services. We, therefore, willingly and solemnly declare, that we shall exert ourselves in this matter in admonishing the chutrees who are under us, and in making them execute an agreement to this effect on oath. It is expected that the Maharajahs will send this paper for the seal and signature of all talookdars.

(signed) *Maharajdh Maun Sing,*
and eight others.

From *W. Grey, Esq.*, for Officiating Secretary to the Government of India, Foreign Department, to the Officiating Chief Commissioner of Oudh (No. 94); dated the 24th October 1861.

Sir,

I AM directed to acknowledge the receipt of Mr. Currie's letter, No. 2366, dated the 7th instant, with its enclosure; and in reply, to inform you that the Governor General in Council entirely approves of your having directed your atten-

tion to the subject of female infanticide in Oudh, and of the steps which you have taken in regard to it.

2. It is far best that action in this matter should be taken in the first instance, at least through the talookdars, and the Governor General in Council is glad to find, from a circular which has been forwarded by Maharajah Maun Sing, and which seems to have originated mainly with him, that the suppression of the crime is likely to be dealt with by them in a prudent and practical spirit.

3. His Excellency the Governor General will certainly visit Lucknow for the purpose of meeting the talookdars, and communicating with them upon this subject. It is probable that he will be there on the 3d or 4th of next month.

GAZETTE EXTRAORDINARY NOTIFICATION, Foreign Department (No. 7);
dated Lucknow, 5th November 1861.

THIS day, Tuesday, at one o'clock p.m., the Viceroy and Governor General received the talookdars and chief landholders of Oudh, to the number of one hundred and eighty, in the Lall Baradurree at Lucknow.

After the talookdars, the civil and military officers of the station, and the others who were invited to attend, had assembled and taken the places allotted to them, the Viceroy and Governor General, accompanied by his staff, entered the durbag, and took his seat on the throne under a royal salute.

When the salute was over, the talookdars were presented, one by one, to the Governor General, and offered nuzzers, which were touched and remitted.

Maharajah Maun Sing, on behalf of the talookdars, then presented an address in English and Hindoostani to the Governor General, together with a copy of certain resolutions arrived at by the talookdars relative to the suppression of female infanticide in Oudh.

The English address, which was as follows, was read aloud by the Secretary :

“To the Right Honourable *Charles John (Earl) Canning*, Viceroy and Governor General of India.

“My Lord,

“Owing to the misrule of former dynasties which swayed the sceptre of Hindoostan, many pernicious and sinful practices got into vogue, that are disapproved, by reason and condemned by justice and humanity. Among these practices female infanticide is one which long disgraced the annals of this land. Though, my Lord, we the undersigned had long been aware of the heinousness of this crime, the baneful effects resulting therefrom, and the sinful light in which it is held by religion, yet, owing to the unsettled state of the rule we lived under, and the constant apprehension we entertained for the safety of our life and property, we had not leisure, my Lord, to devise plans for its prevention.

“Now that it has pleased God to entrust the destinies of Oudh into the hands of Her Most Gracious Majesty Queen Victoria, and that our life, properties, and liberty are guaranteed to us by British laws, we, the undersigned talookdars, &c., of this province, have had time to devote our thoughts towards the removal of evil usages, and towards other matters appertaining to our social and moral improvement; and at a general meeting of our association, entitled the British Indian Association of Oudh, held in this city on the 30th ultimo, we unanimously passed a resolution to the effect, that every talookdar should take a solemn covenant from his tenants, binding themselves never to commit or countenance, directly or indirectly, female infanticide, in any wise whatever, and that in the event of any one violating the covenant, be his rank or condition in life what it may, he shall forthwith be handed over to the laws, and excommunicated for ever from the pale of Hindoo Society as a felon and an outlaw.

“That to give effect, my Lord, to this resolution, we passed others, of which
we

we submitted an English translation to the Chief Commissioner, with a request that he would lay it before your Lordship.

"As this, my Lord, is probably the last durbar that your Lordship, the kind benefactor of Hindoostan, will hold in Oudh, we respectfully approach your Excellency with these lines to bring to your Lordship's notice the glad tidings that the just and clement policy of your Excellency's administration has among others borne this fruit, which we beg to present to your Excellency, the worthy and noble representative of our adored Sovereign.

"May health and prosperity attend your Excellency wherever choice and circumstances may lead your steps, and rest assured, my Lord, that when we say, may God bless you, our honoured and beloved Viceroy, we simply give expression to our hearts' impulse.

Lucknow,

"We have, &c."

November 1861.

Maharajah Maun Sing then read the Hindoostani version.

The Viceroy and Governor General replied to the address of the talookdars in the following words:—

"Talookdars,

"I receive your address with much pleasure. The object to which it is directed, and the spirit of loyalty and of respect for the law which pervades it, are very creditable to you.

"The measures which you propose to take for the suppression of female infanticide have been before me. I approve of them generally, and on the few unimportant points in which modifications may be desirable, the Chief Commissioner will convey to you the views of the Government.

"You have yourselves denounced this crime of infanticide in words to which I have little to add. Suffice it to say that it is murder of the blackest dye, the destruction of innocent helpless life prompted by the most cold-blooded and worldly motives, and a destruction so monstrous and unnatural in those who perpetrate it, that the very beasts of the jungle forbear from it.

"This being so, I must warn you against supposing that, in accepting from you an aid which is beside and beyond the law, there is any compromise on the part of the Government with so hateful a crime. Your aid in searching out the criminals will be most valuable, and your proposal to bring to the support of the law the severe punishment by social excommunication of those who abet the crime is accepted, because the crime is one which too often baffles detection;—because it has its root in false social prejudices, which you better than any men can combat;—because it is done in the dark, in the privacy of domestic life,—and, I grieve to add, not without the acquiescence and connivance of some influential classes of the community. All means are good against such a crime, and I cordially welcome your assistance. But be assured that if the result of your efforts should not equal your expectations, or if it should be tardy in showing itself, the law will not be allowed to sleep, but will be enforced to the utmost power of the Government, regardless of everything but the utter suppression of the abomination.

"Talookdars, you have spoken of this spontaneous action on your part against a hidden national crime which lurks amongst your fellow countrymen, as one of the fruits of justice and forbearance with which you have been treated; I accepted it as such. I have told you before when I did not expect to visit your country again, what are my aspirations and hopes for Oudh. I have told you that I never doubted that a generous rule would make a dutiful people. I will not further repeat what I have once said. But I heartily accept and return your kindly farewell, and I cannot better repay your good wishes than by exhorting you to continue in the path of loyalty to your Queen and of duty to the law in which it is my pride to leave you.

"One word more. It is very desirable that intercourse between the talookdars of Oudh and the local Government should be facilitated; you will derive benefit from the wise and friendly councils of the Chief Commissioner, and he will have advantage in frequent communication with you. I have, therefore, authorised Mr. Yule to make over to you, for your accommodation in visiting the capital, the Palace of the Kaisur Bagh, if you should desire to avail yourselves of it.

A Hindoostani translation of the Governor General's address was then read aloud by the Secretary.

After the usual concluding ceremonies, the Viceroy and Governor General left the durbar under a Royal salute.

TRANSLATION of the RESOLUTIONS submitted by the Committee of the British Indian Association of Oude, for the Prevention of Female Infanticide, at the General Meeting held on the 30th October 1861, which were unanimously passed.

1. THAT we all should make the chutries, living within our respective jurisdictions, execute covenants to the effect, that they would ever after discontinue the practice of female infanticide, which has long obtained in their families. That they should be made to understand the advantages and disadvantages resulting from this inhuman practice. The only advantage they expect to derive from it is, that they would thereby avoid the difficulties that they might meet in giving their daughters in marriage; but the following means are hereby provided to remove those difficulties. If by any fraudulent means such crimes could be concealed from the eyes of the world, they could never be hidden from the Omnipresent and Omniscient, and in case of detection, the offenders, besides being guilty before God, would be disgraced, and guilty before their brethren. They would in consequence forfeit their position in society, and if convicted, they would be made to pay life for life. That their crimes would escape detection, does not at all stand to reason, as all have got enemies who would bring their unlawful acts to the notice of the competent authorities.

2. The district authorities should be informed of these matters, and be required to give proper advice to the relations of bridegrooms, and in such cases the practice prevalent at present in the North-West should be enforced in Oudh. It may happen that people of lower grade may aspire to intermarry their children in families of higher grades, but this could never be possible. The Talookdars would only recommend such marriages as to their judgment may appear proper.

3. Village chowkeedars should give their daily reports to talookdars, of the number of male and female children born in each village, how many died the natural death, how many are living, and how many are likely to be destroyed.

4. In breach of this duty the chowkeedars would render themselves liable to the same punishment as they would deserve for concealment of heinous offences.

5. For concealment of such a crime not only the chowkeedar, but mokuddums, the heads of the villages, the ticadars, and when the village is held kham, and these people may not exist, the talookdars, karindars, and village putwarees, whose duty it should be to report these cases, would be held responsible. Upon conviction, the last-mentioned parties would be liable to the punishment specified in paragraph 1.

6. It would be the duty of mokuddums and others, to give notice of suspicion through the putwaree; should these collude for ignoring the guilt of the offender, and not excommunicate them from society, they would themselves be excommunicated, and would be liable to the punishment laid down by law.

7. In case the Prohits and Brahmins do not report the occurrence of such crimes, they would render themselves liable to similar punishment.

8. It should be the duty of talookdars to compare the reports of chowkeedars and putwarees, and should they think that such offence has been concealed, those who have magisterial powers would bring the offenders to justice, and those who have not been invested with such powers would forward them to the

the proper authorities with their report. If the offender deserves to be excommunicated from society, the talookdar should then send a statement of the case to any of the leading talookdars of the neighbourhood, through whom the fact may be published, that so and so is an offender, who has been excommunicated from society. But this should only be enforced upon conviction of the crime.

9. That whoever has come under suspicion would remain excommunicated until he could fully clear his character. The talookdar would carry on the investigation, and would inform the members of his caste of the result. If he finds the suspected party innocent, he should certify to that effect, and make it generally known, so that no person may unjustly suffer punishment. Should the talookdar find the suspected party guilty, he would commit him to the district authorities for punishment. But if there be no sufficient evidence to convict the offender of murder, and yet the suspicion against the accused be strong in that case, he should be at once excommunicated from the pale of Hindoo society.

10. The talookdar should submit a quarterly return according to Form marked X., both to the district authorities and the president of this association, who would record their respective opinion. In cases of doubt, explanations would be called for from the talookdar.

11. Covenants should be taken from probits never to administer the rites of religion, or perform any services for any family suspected of this diabolical crime under any circumstances whatever until the suspicion has been fully removed by the heads of the caste to which he belongs. In breach of the above, the probits would be removed and other fitter men appointed in their place by the talookdar. The duties of the probits consist in teaching, by example and precept, the lessons of religion, so if they neglect their duties, they must surely be punished in this manner.

12. Respectable Brahmins and Surskullupdars should be informed of these resolutions by general proclamation, and that should any probit disobey or disregard these resolutions, he will be proclaimed forthwith through the Province of Oudh as an outcast who has been excommunicated from Hindoo society.

13. The Nawas, the Banees, the Dhoobees, &c., should also be informed of these resolutions, and that any disobedience on their part would draw upon them the like punishment.

14. The poor should be assisted by this association in giving their daughters in marriage, as also by the members of their castes by way of neota. Thus a sum of 100 rupees or 200 rupees would be collected, and the poor would be relieved of their difficulties in meeting the marriage expenses. If any of their brethren be unable to perform the ceremony of the marriage of their daughters, the disgrace would fall upon the whole caste, which they would try their best to prevent. The talookdar should also assist and introduce the practice of neota. If the talookdar be unable to assist, the other talookdars would assist him in doing so, upon receiving information of the case, but such cases would rarely happen.

15. Many people contract marriages in foreign countries, which cannot be discontinued, the Chowhans, Bhudwar, Khurwar, and Mughbul caste would demand unreasonable sums in marriage, and would try covatiously to adhere to this pernicious rule. But these should be told that, before the discontinuance of the practice of female infanticide, they had only to give one or two daughters in marriage, and could manage well the expenses of such marriages; now the state of things being different, their old rule could never be maintained. To remove this difficulty Government should also be asked to give assistance.

16. Where the district authorities cannot punish a talookdar for neglect of this duty or wilful concealment, he would report him to the association, which would, after due investigation, award such moral punishment upon the offender as would attach a lasting disgrace upon him.

17. District authorities would issue such instructions for talookdars as they might deem suitable to their respective districts.

18. Any talookdar convicted of neglect or of wilful concealment would not, in the first instance, be expelled from this association, but the association would award the following punishments under the circumstances described, viz., if the fault arose from neglect of duty the association would report to the proper authorities, and suggest that the estate of such talookdar be placed under the management of a nominee of Government, or if, for other causes, the report according to Form X. be not punctually punished, the recusant would be answerable for such remissness. Should any talookdar be clearly convicted of wilful neglect in any case, he would be expelled from the association and degraded from his seat, as the circumstances of the case would warrant.

19. At the end of the year the papers would be laid before the association, who, as also the district authorities, would submit the report to the Chief Commissioner, when both being compared, the talookdar in whose jurisdiction it would appear that these resolutions have been duly enforced would be entitled to the approbation of the Chief Commissioner and the association.

20. That as the condition of estates are different, and cases may therefore differ, it is difficult to frame resolutions, in anticipation, precisely suited to them. A few resolutions have, therefore in consequence, been compiled. Fresh ones would, however, from time to time, be framed by this association as circumstances may require.

21. For the prevention of female infanticide these resolutions would, it is expected, prove efficacious. But as it is unnecessary now to enlarge those respecting marriages (which would be needed after 10 or 12 years), at the next general meeting that would be taken into consideration. At present the sanction of Government should be obtained for the introduction of the practice prevalent in the North-Western Provinces. The talookdars there give Jahaiz from 500 rupees to 1,000 rupees, and the poor up to 50 rupees, according to their condition in life.

22. These resolutions would not affect the existing laws, because Government has nothing to do with the appointment of probits and customs of families and communities, as regards the excommunication of any of its members from Hindoo society.

23. The punishment for the concealment of female infanticide would be just the same as prescribed by law for the concealment of any other heinous crime.

FORM X.

How many Females became Pregnant during the Quarter, in Families which are known to have at any time committed Female Infanticide.	How many Miscarriages have taken place.	How many Sons and how many Daughters were Born in the Quarter.	How many of these died a Natural Death, and how many are living.	How many are suspected to have been killed.	In how many Instances have Suspicion been found groundless.	How many Offenders have by Legal Evidence been proved fit for Committal to the Sessions.	How many Persons suspected of this Crime have been Excommunicated from Hindoo Society.

LIST in English of all the TALOOKDARS, &c., who signed the paper read by *Maun Sing* at the Lucknow Durbar.

1	Maharajah Dirgbeje Sing, of Bulrampore.	55	Thakoor Bhugwan Buksh, grandson of Rane Gool-abkoonwar, Talookdar of Roodurhunah, &c.
2	Maharajah Maun Sing Bahadoor, Kaem Jung.	56	Bissonath Sing, Talookdar of Husnapore.
3	Dukhina Runjun Mookerjee.	57	Sirdar Sing, Talookdar of Humeermow.
4	Rajah Hurdeo Buksh Bahadoor.	58	Futteh Bahadoor Sing, Talookdar of Korihur, Sataon.
5	Rajah Murdun Sing, Talookdar of Bhurawan.	*59	Seetul Sing Tewaree, Talookdar of Behetta, &c.
*6	Thakoor Geerwar Sing, Talookdar of Bhor, &c.	60	Rughoonath Sing Chowdhorey, Talookdar of Pahroly.
7	Rajah Unroth Sing.	*61	Mohomud Ameer and Goolam Abbass, Talookdars of Shahpore, &c.
8	Thakoor Bharut Sing Bahadoor, Zemindar of Itwah.	62	Cazee Surfraz Ali Bahadoor, Talookdar, Assistant Commissioner in Duryabad.
*9	Hushmut Ali Chowdhorey.	63	Chowdhoree Goolam Furreed, Talookdar of Beree.
10	Runjeet Sing, Talookdar of Deokulia.	*64	Juggul Narain Sah, Talookdar of Madhopore.
11	Bhowanee Deen, Talookdar of Belgaon.	*65	Thakoors Bheekum Sing, Beje Sing, Rughoonath Sing, and Zalim Sing, of Behotta.
12	Nawab Dost Ali Khan, Talookdar of Basetnuggur.	66	Baboo Madhopershad, Talookdar.
13	Rajah Jung Bahadoor Khan.	67	Syud Hosein Buksh, Talookdar of Nurowlee.
14	Rajah Sookh Mungul Sing, Talookdar.	*68	Syud Mohomud Alum, Talookdar of Noorye.
*15	Janookepershad, Karindah of Rajah Bhoop Sing.	69	Ram Suroop, Talookdar of Kaprohee.
16	Rajah Juggomohun Sing, Talookdar of Sumrstah and Chundapore.	70	Gunga Buksh, Talookdar of Surorah.
*17	Ranah Sunkur Buksh, Assistant Magistrate.	71	Rajah Nurput Sing, Talookdar of Payegpore.
18	Rajah Madho Sing Bahadoor.	72	Kissen Dutt, Talookdar of Singabad.
19	Rajah Bhoop Sing Bahadoor, Talookdar of Pergunnah Rampore, in Pertabgurb.	73	Kissen Dutt Sing, Talookdar of Bhengaoon.
*20	Jungee Ram, Karindah for Thakoor Bhowanideen.	*74	Seo Sing, Talookdar of Lukhnapore.
*21	Chowdhoree Lutf Ahmud, Talookdar of Illah-dapore.	75	Rajah Ruttan Sing, Talookdar of Rampoorah.
22	Umrao Sing, for Talookdar Runjeet Sing.	76	Surfraz Ahmud, Talookdar of Khanpore, &c.
23	Nuroputty.	77	Syud Guzurfur Hosein, Zemindar of Meerpore.
*24	Rajah Juggomohun Sing, of Chundapore, &c.	78	Baboo Pirthee Paul Sing, Talookdar of Bugwan, in Lucknow.
*25	Rajah Hurdeo Buksh Bahadoor, of Keharee, in Hurdul.	79	Nawab Ali Khan, Talookdar of Churdah, Baraitch.
*26	Koonwar Rundheer Sing, son of Rajah Murdun Sing Bahadoor.	80	Rajah Padshah Hosein Khan, Talookdar of Bheetooahpore, in Duryabad.
27	Dirg Beje of Mooraree.	*81	Inamoollah, son of Lutfutoollah, Talookdar of Syudpore, Duryabad.
*28	Juggonath, Talookdar of Semree, &c.	82	Rajah Surubeet Sing, Talookdar of Ramnuggur, &c.
*29	Thakoor Bharut Sing Bahadoor, Talookdar of Itwah, in Hurdul.	*83	Rajah Sookh Mungul Sing, Talookdar of Syemoo.
*30	Syud Nawab Ali Khan Bahadoor, Assistant Commissioner, Talookdar of Sulimpore.	84	Rajah Hindoopaul Sing, Talookdar.
31	Rajah Khyrut Ali Khan, Talookdar of Husunpore.	*85	Thakoor Juggomohun Sing, Talookdar of Khurohupore, in Roy Bareilly.
32	Mohomud Hosein, Talookdar of Umurpore, &c.	*86	Mohomud Hossein Khan, Talookdar of Ghurdhoree, in Roy Bareilly.
*33	Roy Ubheeram Toolsee Bahadoor, Honorary Assistant Magistrate.	87	Lalla Seetul Pershad, Talookdar of Dhungaoon, in Bareilly.
34	Rajah Mohomud Ameer Husun Khan, Talookdar of Nuneepore, &c.	88	Seo Dutt Sing Jeo, Talookdar of Dhubeaoon, in Bareilly.
35	Rajah Ebad Ali Khan, Talookdar of Mohamudabad, &c.	89	Chowdhoree Goolab Sing, Talookdar of Sirsa, in Oonao.
*36	Rajah Jugpaul Sing Bahadoor.	90	Chowdhoree Dost Ali, Talookdar in Oonao.
*37	Rajah Roodroperab Sing.	*91	Chowdhoree Inyet Russool, Talookdar of Ameerpore, in Duryabad.
*38	Surobjeet Sing Rawut.	92	Shaikh Wajahutoollah, Talookdar of Syedunpore, in Duryabad.
39	Rajah Seetul Buksh.	93	Juggut Narain Sing, Talookdar of Mudhapore, in Pertabgurb.
*40	Gungapershad Doobey, for Munsoor Buksh, Talookdar of Mullahporegaon.	94	Rajah Rudroperab Sing, Talookdar of Semrutha.
*41	Kalika Buksh and Gunga Buksh, Talookdars of Ramkote, in Seetapore.	*95	Thakoors Beje Sing, Bheekum Sing, Rughoonath Sing, and Zabin of Behotta Bullum.
42	Mirza Mohomud Aga Jan, Talookdar of Arungabad and Honorary Assistant Magistrate.	*96	Rajah Seonath Sing, Talookdar in Oonao.
43	Mirza Raja Mohomud Shumshere Bahadoor, Talookdar of Sadutnuggur.	97	Baboo Umres Sing, Talookdar of Meyapore, Burgaon.
44	Thakoor Thamah Sing, Talookdar of Sumsahbursundy.	98	Baboo Indress and Juness, Talookdars of Meyapore, Dhowroaoon.
*45	Baboo Bissembhur Sing, Talookdar of Ousah, by his Mookhtar, Thakoorpershad.	99	Baboo Seetul Buksh Sing, Talookdar of Nuneemow, in Fyzabad.
*46	Seonath Tajee and Dya Sunkur Tajee, Talookdar of Mow, &c.	100	Baboo Krishnopershad Sing, Talookdar of Pergunnah Pareepore, Beerhur, in Fyzabad.
47	Mullick Hedyet Hosein, Talookdar of Sumunpore, &c.	101	Baboo Pirthee Paul Sing, Talookdar of Teeghara, in Fyzabad.
48	Husmut Ali, Talookdar of Kukrally.	102	Baboo Seoperkash Sing, Talookdar in Pergunnah Pareepore, Beerhur, in Fyzabad.
*49	Nawab Dost Ali Khan, Talookdar of Basetnuggur.		
50	Rajah Soobha Sing, Talookdar of Buchowlee.		
*51	Mirza Husun Ali Beg, Talookdar of Umraree.		
52	Sadut Khan and Abdoel Hukcem Khan, Talookdars of Pergunnah Roy Bareilly.		
53	Syud Fuhkurool Hosein, Talookdar of Nohohurah.		
54	Zoolficar Khan, Talookdar of Pubrahmow.		

List of Talookdars, &c., who signed the Paper read by Maun Sing at the Lucknow Durbur—*continued.*

103	Banee Sing, Talookdar of Kunah, Mow, in Seetapore.	*152	Kalka Buksh and Gunga Buksh, Talookdars in Seetapore.
104	Seetaram, Talookdar of Bhojepore, in Chutterpore.	*153	Mahomed Addool Ali, Talookdar of Ahmedpore, &c., in Lucknow.
105	Rannarain Chowdhoree, Talookdar of Mobaruckpore, in Chumpapore.	154	Rajah Surnam Sing, Talookdar of Kutree, in Sootapore.
106	Deriao Sing, Talookdar of Rampore, Kullan, in Seetapore.	*155	Rajah Moheshnarain Sing, Talookdar of Purahata.
*107	Syel Chund, Talookdar of Hursaba, in Seetapore.	156	Baboo Moheshpershad Sing, Talookdar of Sumrutpore, in Fyzabad.
108	Thakoor Dal Sing, Talookdar of Khajoorah, in Hurdui.	157	Rajah Furzund Ali Bahadoor, Talookdar in Lucknow.
*109	Mohun Sing, Talookdar of Rutteepore, in Hurdui.	158	Zeynool Abdeen, Talookdar of Gurhea, &c., in Lucknow and Duryabad.
*110	Shaikh Gureeb Ali, Talookdar in Lucknow.	159	Nawab Ali Khan, Talookdar of Mela Roy Gunj, &c., in Duryabad.
*111	Mohomud Ibrahim Ali Khan, Talookdar of Jumlapore, in Lucknow.	160	Hukeem Kurn Ali, Talookdar in Duryabad.
112	Bahadoor Sing, Talookdar of Sudamow, in Duryabad, by his Mookhtar, Syud Ameer Ali.	*161	Munzoor Ali, Talookdar of Khamreah, &c., in Lucknow.
*113	Baboo Issureput Sing, Talookdar of Dundee, in Pertabgurh, by his Mookhtar.	162	Sew Sohoy, Talookdar of Sumraon, in Duryabad, by his Mookhtar, Abbass Ali.
*114	Mahomed Nusseer Khan, Talookdar of Kissenmundhee, &c.	163	Bhugwunt Sing, Talookdar of Gokulpore, &c., in Lucknow.
115	Mohomud Naseem Khan, Talookdar of Sellaho.	164	Rajah Moheeput Sing, Talookdar of Purespore.
116	Woozeer Ali, Talookdar of Annapore, Baraitech, by his Mookhtar, Alizamin.	165	Shere Bahadoor Sing, Talookdar of Kumeearree.
*117	Koonwar Surubjeet Sing and Lodum Sing, Talookdars of Bhoondup.	166	Rughoobeer Sing, Talookdar of Dhunwa.
118	Meer Muzufur Hosein, Talookdar of Derakazee, in Baraitech, by his Mookhtar, Rezah Ali.	167	Mirtunjei Buksh Sing, Talookdar of Suheepore.
119	Syud Zufur Mehdee, Talookdar of Alinuggur, in Baraitech, by his Mookhtar, Alizamin.	*168	Nepal Sing, Talookdar of Palee.
*120	Gunness Pershad Mookhtar, for Thakoorine Aehul Koonwar, wife of the late Bhoopal Sing, Talookdar in Roy Bareilly.	*169	Baboo Sookhraj Sing, Talookdar of Unta.
*121	Pundit Koonj Peharee Lall, for Rajah Rughoonath Sing, Talookdar of Rubooa, in Baraitech.	*170	Surubjeet Sing, Talookdar of Inderpore, Oomree.
*122	Rughoobee Dyal, for Baboo Rujeeb Sing, Talookdar of Hurul, in Pertabgurh.	171	Indrojeet Sing, Talookdar of Mootsufabad.
*123	Rughoobee Dyal, Mookhtar for Roy Pirthee Paul Sing, Talookdar of Roypore and Bijnour, in Pertabgurh.	*172	Boo Ali, Talookdar of Shaikhpore, &c.
124	Bulbhudro Bahadoor.	*173	Rajah Rutton Sing, Talookdar of Ryepore, in Lucknow.
*125	Rajah Moheeb Roy, Talookdar of Surreen, Buragaon, in Hurdui.	*174	Bahadoor Sing, Talookdar of Sudamow, in Duryabad, by his Mookhtar, Syud Ameer Ali.
126	Koonwar Woozeer Chund, son of Rajah Futtehchund, Talookdar of Surwin, in Hurdui.	*175	Baboo Banee Paul Sing, Talookdar in Lucknow.
*127	Gujraj Sing, Talookdar of Toorteepore, in Hurdui.	*176	Bulbhudro Bahadoor.
*128	Rana Rughooraj Sing, Talookdar of Sunkerpore.	*177	Kishun Dutt.
*129	Ahmud Ali Khan Bahadoor, Talookdar of Kootubnuggur.	*178	Mohomud Buksh, Talookdar of Kundrao, in Hurdui.
130	Rajah Juggesshur Sing, Talookdar of Kythullee, Rampore.	*179	Mohomud Nusseem Khan, Talookdar of Syellamow.
131	Soobhan Ahmud, Talookdar of Azeezabad.	180	Mohomud Ahmud Khan, Zemindar in Oonao.
132	Baboo Jumshed Ali Khan, Talookdar of Deogaon, &c.	181	Syud Fuzul Russool, Talookdar of Jullalpore in Hurdui, Syedapore in Lucknow, and Mohomudpore in Luckhumpore.
133	Rajah Juggernath Bux Sing, Talookdar of Lurjamow.	182	Syud Fedda Hosen Khan, Talookdar in Luckhumpore.
134	Roy Juggut Bahadoor Sing, Talookdar of Bhudree.	183	Thakoor Chundeeka Buksh, Talookdar of Lohraspore, &c., in Hurdui.
135	Dhowkul Sing, Talookdar in Pertabgurh.	184	Rajah Ashrof Ali Khan, Talookdar of Dhungaon, &c., in Luckhumpore.
136	Runjeet Sing, Talookdar of Kateela, in Duryabad.	*185	Goolam Mohomud Chowdhoree, Talookdar of Illahdudpore, in Seetapore.
*137	Lall Shunker, Talookdar of Bengurh, in Pertabgurh.	*186	Mirza Husun Ali Beg, Talookdar in Hurdui.
*138	Syud Amjud Hosein, Talookdar of Sohulpore, &c.	187	Syud Mohomud Hosein Khan, Talookdar of Kulee Rajahparah, &c., in Seetapore.
139	Jhubba Sing, Talookdar of Poorsenee.	*188	Thakoors Zalim Sing, Huree Sing, Rughoonath Sing, Bejei Sing, and Bheekum Sing, Talookdars of Behota, in Seetapore.
140	Syud Bunead Hosein, Talookdar of Sohulpore, &c.	*189	Seo Buksh Sing, Talookdar of Kutessur, in Seetapore.
141	Rajah Narendar Bahadoor, Talookdar of Suraha, in Duryabad.	190	Jowahir Sing, Talookdar in Seetapore.
142	Rajah Oodit Pertab Sing, Talookdar of Soorpore, &c., in Duryabad.	191	Moorlee Munohur, Talookdar of Moizoodeenpore, in Seetapore.
*143	Rajah Jagpal Sing Bahadoor.	*192	Dabee Shunker, Talookdar in Seetapore, by his Mookhtar, Mohomed Buksh.
*144	Rajah Joggessur Sing Khythul.	193	Rajah Rughoonath Sing, Talookdar of Rehooaon, in Baraitech.
*145	Unroodh Sing.	194	Goman Sing, Talookdar of Rampore, Muthoor, in Seetapore.
*146	Runbhooj Sing.	195	Raja Sheo Buksh Sing, Talookdar of Kutessur, in Seetapore.
147	Geerwar Sing.	*196	Ram Surun Misr.
148	Toolaram Bahadoor, Talookdar of Pyla.	*197	Moteepershad, for Thakoor Thaur Sing, Talookdar of Syemonspore, in Seetapore.
*149	Bhoop Sing, Talookdar of Puho, &c., in Roy Bareilly, and Oonao.	*198	Rajah Mohesh Narain Sing, Talookdar of Purhetta and Beechoogurh.
*150	Rajah Narput Sing, Talookdar of Poyegpore.		
*151	Mohun Sing, Talookdar in Hurdui.		

List of Talookdars, &c., who signed the Paper read by Maun Sing at the Lucknow Durbar—*continued*.

199	Rajah Madho Pershad Sing, Talookdar of Koredar, in Sultanpore.	217	Rajah Pirthee Sing Bahadoor, of Nawabgunje.
*200	Surubjeet Sing, Thakoor of Sultapore.	218	Baboo Laloo Sah, Talookdar of Mewapore.
*201	Baboo Rughoonath Sing, of Humeepore, Kutalee, in Seetapore.	*219	Rajah Umrao Sing, Talookdar of Pokherah, in Roy Bareilly.
*202	Thakoor Zalim Sing, of Ramnuggur, in Seetapore.	220	Baboo Jehangir Buksh Sing, Talookdar of Sumdee, in Fyzabad.
*203	Heera Lall Putwaree, for Thakoor Lohun Sing, of Seetapore.	221	Rajah Rustum Sah, of Dheyar.
*204	Thakoor Lulta Sing, of Khoyrabad.	222	Kalika Buksh Sing, Talookdar of Rampore.
*205	Baboo Jeit Sing, Talookdar of Rumehtee, in Fyzabad.	223	Thakoor Ujoodhia Buksh, Talookdar of Nurindpore, &c., in Roy Bareilly.
206	Baboo Ubhoy Dutt Sing, Talookdar of Khajoorhutty, in Fyzabad.	224	Rajah Gowree Shunkur Bahadoor, Talookdar of Mouring.
207	Baboo Sookhraj Sing, Talookdar of Untah.	225	Sheepershad, Talookdar of Bunthur, in Oonao.
208	Thakoor Nepal Sing, Talookdar of Puho.	226	Rajah Kasheepershad Bahadoor, Talookdar of Pergunnah Subsundee, &c., in Lucknow, Oonao, and Roy Bareilly.
*209	Baboo Indrojeet Sing, Talookdar of Mustufabad.	*227	Hubeboor Ruhman, Talookdar of Munsoorpore.
210	Abed Ali, Talookdar of Syndahar, &c., in Seetapore.	*228	Chowdhoree Hosein Buksh, Talookdar in Seetapore.
211	Surubjeet Sing, Talookdar of Syegaon, Teekree.	229	Syud Mohomud Ashroff, Talookdar of Asufpore, in Hurdul.
212	Umrao Sing, Talookdar of Mohomud Ameergher, in Oonao.	*230	Shaik Mohomud Birteza Buksh, Talookdar of Putty Kishen Mundee, &c., in Hurdul.
*213	Thakoor Ramgoolam Sing, Talookdar of Atehaon, in Pertabgurh.	231	Mohomud Ibrahimoolah, Talookdar of Bhogettapore, &c., in Hurdul.
214	Munno Sing, Talookdar of Olrah, in Seetapore.		
215	Fazul Ali Khan, Talookdar of Mamoopore, &c., in Seetapore.		
216	Rajah Gunga Sing, Talookdar in Luckhumpore.		

Those marked with a * did not attend the Durbar.—Total 94.

LIST OF TALOOKDARS who were Present in the DURBAR on the 5th. November 1861.

No.	Name of Talookdars.	Name of Estates.	No.	Name of Talookdars.	Name of Estates.
1	M. R. Dirgbijye Singh	- Bulrampore.	*36	Gulzaree Mull (Dewan)	- Kupoorthulla.
2	M. R. Maun Singh	- Mahdowna.	*37	Bunna Mull (Trustee)	- Ditto.
3	R. Dirgbijye Singh	- Moorar Mow.	*38	Sirdar Golab-Singh	- Atareewalla.
4	R. Hunwunt Singh	- Kala Kunker.	*39	Sirdar Jeet Singh	- Ditto.
5	R. Hurdeo Buxsh	- Kuttiyaree.	*40	Sirdar Oatar Singh	- Ditto.
6	R. Roostum Sahae	- Derah.	*41	Baboo Ajeet Singh	- Turwul.
7	R. Madho Singh	- Gurh Amethee.	*42	Rao Buryar Singh	- Ambhut.
8	R. Khyrat Ali Khan	- Hussunpore.	43	Surnam Singh	- Gorakutaree.
*9	R. Jyepal Singh	- Tiloer.	44	Jugeshur Buxsh	- Kythowla.
10	R. Madhopertab Singh	- Koorwar.	*45	Rae Pirtheepal Singh	- Raepoor.
11	R. Ameer Hussan Kahn	- Mahmoodabad.	*46	Mahunt Goornarain	- Maswasee.
*12	Lall Shunker Buxsh	- Khujoorgaon.	47	Rao Muneshur Bux Sing	- Mullanpore.
*13	R. Mahesh Buxsh	- Toorhut Bechoogurh.	48	Rae Juggutt Bahadur	- Bhudree.
14	R. Furzund Ali Khan	- Jehangeerabad.	49	Chowdry Surfuraz Ahmed	- Soobhakhanpore.
15	R. Jung Bahadoor	- Nanpara.	50	Futteh Bahadur	- Koorhur Sutawun.
16	R. Murdon Singh	- Bhurawan.	51	Thakoor Gooman Singh	- Rampoor Muthra.
17	Rughoonauth Singh	- Ruhooa.	52	Nowab Dost Ali Khan	- Basitnugger.
18	Ibad Ali Khan	- Pyterpoor.	53	Lalla Sheopershaud	- Pokhurnee.
19	R. Oomrao Singh	- Pokhra Asaree.	54	Jugmohun Singh	- Pokhurnee and Chundapore.
20	R. Rutton Singh	- Itownja.			
21	R. Unroodh Singh	- Oel.	55	Shere Bahadoor	- Kunyar.
22	R. Nurinder Bahadoor	- Hurba.	56	Seetla Buxsh	- Nanehmow.
23	Ooditpertab Singh	- Soorujpore.	*57	Rundhoj Sah	- Khyreegurh.
24	Surubjeet Singh	- Ramnugger Dhu- merce.	58	Raj Gunga Singh	- Bhoor.
25	Hinpal Singh	- Koorree Sudowlee.	59	Nurput Singh	- Kymara.
26	Seetlah Buxsh	- Gungole.	60	Sookhmungul Singh	- Shahmow.
27	Nurput Singh	- Gungole.	61	Baboo Umres Singh	- Meopore.
28	Ushruf Ali Khan	- Mahomdee.	*62	Baboo Chundres Singh	- Ditto.
29	Girwur Singh	- Mahewa.	63	Ghuzzuffer Hoossein	- Peerpore.
30	R. Kishoondutram	- Sunkha Chunda.	64	Baboo Jydt Singh	- Bherthee.
31	R. Gouree Shunker	- Moorawan.	65	Roodrpertab Singh	- Sumrowta.
32	R. Muhput Singh	- Puruspore.	66	Juggut Singh	- Mudhpore.
33	R. Sobha Singh	- Rampore Buchowlee.	67	Maheshurpershaud	- Sumruthpore.
34	R. Pirtheepal Singh	- Munkapore.	68	Juggernauth Bux	- Jamow.
35	R. Kasheepershaud	- Sisendee.	69	Bhoop Singh	- Pahoo-Goolureea.
			70	Shumshere Bahadoor	- Saadutnugger.

minds and hearts of millions of Her Majesty's Indian subjects, by conveying to them our Most Gracious Queen's beneficent sentiments towards this country, and the assurance that Her Majesty will maintain, protect, and watch over the interests and rights of Her people in India even as She does those of Great Britain; and your Excellency has already given to this country full and ample proof of the reality of those gracious assurances by bestowing upon and confirming in Her Majesty's name to the chiefs of Hindoostan, the deeply-cherished right of adoption. Your Excellency has thus proved to the world that Her Majesty the Queen, whose dominions extend from ocean to ocean, and on which the sun ever remains shining, seeks no territorial acquisition, but desires that the chiefs and ancient houses of India, and their descendants after them, should continue to enjoy from generation to generation their hereditary honours and ancestral possessions, which, to them and their people, are dearer than life.

"Your Excellency has given us further deep cause for gratitude in carrying out the desire of Her Most Gracious Majesty that the exercise of magisterial power, and a share in the administration of their native country, should be conferred on such individuals whose influence, position, and personal character and services to the State seemed to render them deserving of this high and invaluable privilege.

"We are thankful that your Excellency has been preserved in health and strength to achieve such great important objects, having not only extinguished rebellion and restored order and good government, but by your mild, judicious, and generous measures, having also rooted that Government deeply and permanently in the hearts and affections of the people of India, you now leave them loaded with their blessings, and carrying away their enduring gratitude; and, in wishing and praying that your Excellency may reach your native land in safety and live long to enjoy the well-earned honours and rewards bestowed upon you by your Sovereign, we beg to assure your Excellency that your name, and the remembrance of your wise and benevolent rule, will ever live in the grateful memories and affection of ourselves and of our children to distant generations.

"We now, with the deepest respect and gratitude, bid you farewell."

The Governor General, upon receiving the address, replied as follows:—

"Maharaja, Rajas, Baboos, Rais, and Gentlemen of Benares,

"I am glad to have this last opportunity of visiting Benares, and of receiving your loyal address.

"You have designated your city as most ancient. You might have said that, in addition to its antiquity, it is one of the most populous and wealthy of India; that it is the ancient seat of Hindoo learning, and is held very sacred in your religion; and that its chief inhabitants are amongst the most influential of the Queen's subjects in Hindoostan.

"The opinions and feelings of such a community must always be matter of special interest and importance to the ruling power in India.

"I thank you for the good spirit in which those opinions and feelings have been expressed.

"I am glad to find that, being yourselves of another religion, you do not hesitate to recognise that mercy is the duty pre-eminently of a Christian Government, and that the Government of India has fulfilled that duty.

"I am glad to find that you feel that you are governed with truth as well as with mercy, and I hear with pleasure your free acknowledgment that you have had ample proof that the assurances which you received from the throne of protection to your rights and interests are a reality.

"You are right in supposing that the Crown of England seeks no further territorial acquisitions in India. Obedience to the law and fidelity to engagements the Government expects, and will enforce. But England's task in governing India is already large and weighty enough.

"The happiness and contentment of the 180,000,000 of India's own people, and their attachment to the British Crown, are the first great objects in that task. These are the one broad base upon which all individual prosperity and security must rest, and without which any man, be he my fellow-countryman or yours, who seeks by his enterprise or capital to build up his fortune in India, will be building on a quicksand.

"The contentment and attachment of which I speak can be secured only by a scrupulous abstinence from interference with religion; by a careful protection of all established rights of property, tenures, and interests; and by an impartial framing and an impartial administration of the laws.

"The task is, as I have said, a large and weighty one; but I see many signs that it is in course of accomplishment, and the spirit in which the city of Benares has to-day addressed the representative of the Queen is not amongst the least of these.

"Maharajas, Rajas, Baboos, Rais, and Gentlemen of Benares, for your good wishes and kind expressions towards myself, I thank you sincerely, and I bid you very heartily farewell."

[His Excellency then took leave of the native gentlemen assembled, and after receiving the Maharaja of Benares in a private audience, left the station under the usual salute.]

H. M. Durand, Colonel,
Officiating Secretary to the Government of India,
with the Governor General.

Political Department.

Sir *Charles Wood* to the Governor General of *India*, dated 23d January
(No. 7) 1862.

1. I HASTEN to convey to your Excellency the assurance that your letters of the 4th of December, Nos. 182 and 183, relating to the incidents of your recent visits to Lucknow and Benares, have been perused by Her Majesty's Government with feelings of cordial gratification.

2. In the chief city of Oude, so lately the scene of a sanguinary struggle, you have again met the great landed proprietors, who in consequence of the measures your Lordship has adopted, will henceforth exercise a considerable influence on the peace and prosperity of the country. You have found, already developed, the good fruits of the confidence which you have reposed in them; and you have received from them a tribute of gratitude, than which none more honourable could be offered to a Christian ruler. The talookdars of Oude have given practical expression to the feelings of respect and affection with which they regard your Excellency, by pledging themselves to put forth their most strenuous exertions to root out from the land the foul crime of infanticide.

3. In the ancient city of Benares, the great nursery of Hindooism, your Excellency has recived from all ranks of the people a spontaneous demonstration of respect and attachment, showing that the great principles in accordance with which, after the reassertion of British supremacy, you shaped your measures, are fully understood and appreciated by them, and that they are anxious to repay with their confidence and loyalty the justice and moderation of British rule.

4. By these most satisfactory results of the conciliatory policy which your Excellency has so consistently maintained, you will be recompensed for all the toil and anxiety of your long and arduous administration; and it remains only for me again to assure you that Her Majesty's Government regard with the utmost satisfaction the circumstances which you have brought to their notice, and share in the honourable pride which they are calculated to excite.

Foreign (General) Department.

To Sir *Charles Wood*, dated 22d January 1862 (No. 1).

Sir,

IN continuation of our letter, No. 182, dated 4th ultimo, we have the honour to transmit, for the information of Her Majesty's Government, a copy of the instructions communicated to the Officiating Chief Commissioner of Oudh, regarding the resolutions passed by the talookdars of Oudh for the suppression of female infanticide.

Letter to Officiating
Chief Commissioner
of Oudh, dated 21st
December.

2. We also forward copies of the notes recorded by the Members of Government on the subject.

We have, &c.

(signed)	<i>Canning,</i>	<i>R. Napier,</i>
	<i>H. B. E. Frere,</i>	<i>S. Laing,</i>
	<i>Cecil Beadon,</i>	<i>W. Ritchie.</i>

NOTE by Major General the Honourable Sir *R. Napier*, 2 December 1861.

THE following observations present themselves on a perusal of the Resolutions of the Oudh talookdars:—

The village chowkeedars are to report daily to the talookdars certain details of information which they could hardly arrive at, at all, in many families.

Regarding those families that would be sufficiently accessible to the chowkeedar, for him to obtain the information, the proceeding would be of such an objectionable inquisitorial nature, that, if conducted by Government officials, it would excite great discontent, if not resistance.

The higher native authorities may, perhaps, by their social influence, be able to get such details of information given through the chowkeedars, but the European Agency should not attempt it, or be directly concerned with it.

Next, the chowkeedar, if he fails to do the duty assigned to him, is to be liable to the same punishment as those would be who conceal heinous crimes.

Neither of these conditions appear of a practical nature.

The general effect of the action of the talookdars is to bring the force of caste to oppose infanticide. It does not appear that Government can consistently take advantage of that Agency, even for so humane and benevolent a purpose, since caste is considered the great obstacle to the social advancement of the Hindoos.

If this great social tribunal becomes sufficiently influential to effect the end desired, it may easily be devoted to objects that the Government has not contemplated, and great care seems necessary on the part of the officers of Government, not to identify themselves too closely with it, or to fail to watch its action very closely.

The most objectionable point, the proposal to attach the estates of non-conformity, will, no doubt, be duly noticed.

The measure of reducing marriage expenses appears at once practicable, and strikes at the inducement, or, at least, at one more inducement, to the crime of infanticide. It has always been considered, and, I think, with reason, as one of the first steps towards arresting that crime.

NOTE by the Honourable *C. Beadon*, 4 December 1861.

So far as these rules can be enforced by the talookdars themselves by means of their legitimate influence, (apart from the magisterial powers vested in them by the Government), and by social penalties, I hardly know that we are called upon to object to them. But no officer of the Government should be encouraged or allowed to go beyond the law, or to subject any one to punishment which the law does not sanction, or to any punishment at all for an act or omission which the law does not recognise as an offence.

It will, perhaps, not be thought desirable to do more than to tell the talookdars that they may act as they please in regard to the collection of information within their estates, and to the infliction of social penalties. The desire they evince to suppress the crime of infanticide is most creditable in them, and should be commended warmly in a general way. But it may be as well to refrain from any express approval of their resolutions, and from offering any opinion as to the means by which they propose to enforce them, except where (as in the instance noted by Sir Robert Napier) those means are decidedly objectionable.

The information which, by Rule IV., the chowkeedars are required to furnish, though the collection of it may seem to us to involve inquisitorial proceedings, and to afford a wide field for extortion and oppression, is, in rural districts, such as those in which chiefly, if not exclusively, the crime of infanticide prevails, almost always in the possession of the chowkeedar, through the gossip
of

of the village ; and though a chowkeedar would hesitate or refuse to give such information to a Government officer, he would not care or venture to conceal it from the talookdar.

The tabular statement of information which it is proposed that the talookdars should furnish quarterly to the district officers had better be sent, if to any one, to the Chief Commissioner himself. It would be dangerous to allow the district officers to be at all mixed up in these proceedings of the talookdars, or to act in any way upon such general and vague information.

If there be any evidence to convict any one of infanticide, or of attempting to commit it, or of aiding or abetting, or concealing it, such evidence will of course be brought by the talookdar to the notice of the district authorities in the usual manner ; or if any talookdar has reasonable ground for suspecting any one of committing any such offence, it is his duty to make it known to the police.

The talookdars should be urged to take steps for the reduction of marriage expenses immediately from the present time. And they might be cautioned in a friendly way not to do anything which might expose them to legal proceedings.

NOTE by the Honourable *W. Ritchie*, 5 December 1861.

I THINK Mr. Beadon has laid down the proper limits of the extent to which the approval by the Government of the resolutions should go.

I do not quite adopt the view taken by Sir R. Napier that Government cannot take advantage of the agency proposed by the talookdars, because that agency mainly consists in bringing the force of caste to bear upon the question. It appears to me that it is not so much the force of caste, but of humane and enlightened social opinion that the talookdars call in aid. Among these are men of various creeds, Mahomedans and Seikhs, as well as strict Hindoos, and the excommunications of which they speak, I apprehend, amounts rather to social exclusion than to a religious casting out ; such an expression of social feeling, if I believed to be genuine, as I do in the present case, I would hail (as I would a similar demonstration against perjury or forgery, or any crime which had long been sapping the roots of the social system, and which had at last aroused the indignation of the thinking and influential men of the community affected by it) as a valuable ally ; and I would not reject its aid on the ground alone that, with the social question, there is a religious one mixed up, and that it is difficult to distinguish practically between the two.

I admit, however, fully the force of Sir R. Napier's objections to any action of the Government by which it should appear to derive aid from the institution of caste, or to countenance the application of the penalties involved in the exclusion from caste according to the Hindoo religion, or to the tenets supposed rightly or wrongly to belong to that religion by those professing it. And I must concede to Sir R. Napier that, upon an attentive consideration of the resolutions, and particularly paragraphs 12 and 13, they do contemplate religious exclusion from caste to a greater extent than I at first supposed ; though they also, I think, point to an exclusion from society as quite distinct from a religious excommunication, as in the case of a Mahomedan talookdar who might transgress the rules, and be " sent to Coventry " by the Hindoo and all other talookdars. I consider it therefore very desirable that, in the formal acknowledgment by the Government of the resolutions, the distinction should plainly be taken between the social discouragement of all who may connive, however remotely, at the crime, or fail to use means fairly within their power to prevent its perpetration or secure its detection, of which the Government is prepared to approve, and religious or caste excommunications, with regard to which the Government cannot interfere in any way.

I have roughly noted in pencil, in the margin of the several paragraphs, the points in them which seem to me to require special notice. If it be determined to sanction the proposal of the talookdars to exclude from social intercourse all persons in Oudh against whom any reasonable suspicion may exist of connivance at the offence, and to publish the name of such persons throughout the province, some legislation will be necessary in order to give protection from legal proceedings, civil or criminal, at the instance of the suspected persons they dealt with. Such legislation, if resorted to, should, I think, take some such form as that suggested on Friday, viz., an Act reciting such of the resolutions respecting infanticide as shall have met with the approval of Government, and providing that whenever a meeting of talookdars, constituted in a manner to be defined in the Act, shall, after giving the suspected person a fair opportunity of explanation, and letting him know fully the grounds of suspicion, pronounce its belief that any person in Oudh has been guilty of conniving at the crime, or of screening the perpetrator, and shall declare that by reason thereof such person ought to be excluded from society, no proceedings, civil or criminal, shall be taken against any member of the meeting, or against any person acting in conformity with such resolutions, in respect of the exclusion from society or of the publication in Oudh of the declaration of such meeting, unless the Chief Commissioner, or some officer appointed by him for that purpose, shall certify that, in his judgment, there is reasonable ground for proceeding civilly or criminally against the persons named in his certificate, and that the party complaining ought not to be barred from so proceeding.

Such legislation would, no doubt, be of a novel character: 1st, because it would to some extent deal, not with offences proved before a legal tribunal, but with the suspicion of an offence stopping short of legal proof, although inducing in the mind of an irregular and self-constituted tribunal a belief of the moral guilt of the accused; and 2dly, because it would deal with the comfort and position in social life of the suspected persons, which it may fairly be thought are not within the proper province of legislation. These objections to such a measure, though strong, do not strike me as insuperable, supposing that we are assured that, without affording some such protection to the talookdars, their present movement against infanticide will be paralysed, and the offence will again prevail with the same practical impunity as formerly; in that case I think some such measure as above suggested will be well worthy of the earnest consideration of his Excellency in Council.

I do not think that such a measure will be open to either of the two objections taken by Sir R. Napier to the resolutions as they stand, viz., that it relies, or the force of caste, or religious prejudice, or that the social tribunal which it is proposed to create, may be devoted to objects that the Government does not contemplate, and may become a powerful instrument of oppression. The first objection will be met, I think, by distinguishing between social and religious exclusion in the qualified approval given by the Government to the resolutions. The second will, I think, be removed by restricting the functions of such a tribunal to questions of infanticide alone, by the provision enabling all persons aggrieved by its decisions to apply to the Chief Commissioner for leave to have recourse to the ordinary tribunals for redress; and by the knowledge which the very nature of the enactment will convey, that without some such special legislative protection, the action of such a tribunal will be open to the ordinary process of the law, both civil and criminal, at the instance of any person, however humble, who may be thereby aggrieved.

Still I feel that it will be better to avoid special legislation on such a subject if it can be avoided consistently with the important object in view; and it is only in case it shall be made clearly to appear that no other means exist by which the present most creditable movement by the talookdars can be utilised and made productive of good practical results that I can recommend recourse being had to such legislation.

From Colonel *H. M. Durand*, c. b., Officiating Secretary to the Government of India, Foreign Department, to the Officiating Chief Commissioner, Oudh (No. 525) ; dated 21 December 1861.

Sir,

ON the 5th November last, it was intimated to the assembled talookdars of Oudh, that his Excellency the Viceroy and Governor General approved generally of the measures which the talookdars had spontaneously proposed to take for the suppression of female infanticide, and that the views of the Government would be conveyed to the Chief Commissioner upon the points in which modifications might be desirable.

2. This intimation had reference to the resolutions in which the Committee of the British Indian Association of Oudh, for the prevention of female infanticide, had embodied the decision of the talookdars at the general meeting held on the 30th October 1861. In now fulfilling the intention expressed by his Excellency, I am directed by the Governor General in Council to observe that, when he accepted the aid, beside and beyond the law, proffered by the talookdars, his Excellency was well convinced that it was by the force of humane and enlightened social opinion, and by a desire to show themselves deserving of the confidence which has been placed in them, that the talookdars were induced to propose to support the law by the severe punishment of "social excommunication." The Governor General in Council does not understand the proposal to be one for the employment or recognition by the Government of the rules and usages of Hindoo caste; and, indeed, inasmuch as there are among the talookdars themselves, as well as among the landholders and dependents associated with them, men of various creeds, Mahomedans and Seikhs, as well as Hindoos, it is clear that, in agreeing to the penalty of excommunication as the punishment to be awarded for a breach of the solemn covenant into which they have entered, the excommunication which they have in view is social, not a religious excommunication. Such an expression of general feeling was hailed by his Excellency as evidence, that a crime, which had long been sapping the roots of the social system, had at last aroused the indignation of the thinking and influential men of the community, and as supplying to the law an aid which was not to be rejected on account of some caution being necessary, in order to prevent an erroneous supposition from being founded upon the acceptance of it.

Such caution is required, because, as might be expected from the fact that Hindoos predominate among the talookdars, the resolutions are framed much more with reference to the conditions and observances of Hindoo society, than with regard to those of the Moslem or Seikh races. It is sufficient to advert to the 12th and 13th Resolutions, where exclusion from caste seems more distinctly contemplated than exclusion from social intercourse; and the Governor General in Council considers it very necessary that, in the formal acknowledgment of the resolutions, a distinction should plainly be taken between the social exclusion of all who may connive, however remotely, at the crime, or fail to use means fairly within their power to prevent its perpetration or secure its detection, of which the Government is prepared to approve, and religious or caste exclusions, to which it is impossible that the Government should give any countenance. This distinction his Excellency drew when in the darbar at Lucknow; he accepted the proposal of supporting the law by the severe punishment of social excommunication, and the Governor General in Council deems it essential that, on the present occasion, the same distinction should be carefully reasserted, so that the position and the action of the Government may be open to no misconstruction. Moreover, this consideration renders it imperative that the civil officers of the British Government should in no way be mixed up with the proceedings of the talookdars on these resolutions. Hence, as you will observe in a subsequent part of this letter certain references made in the resolutions to the district officers are disapproved. No officer of the Government should be encouraged, or can be allowed to go beyond the law, or to subject any one to punishment for an act or omission which the law does not clearly recognise as an offence.

3. The enforcement, therefore, of the resolutions must rest entirely with the talookdars, and with those who pledge themselves by their solemn covenant to

co-operate with the talookdars. The talookdars, by their position and influence, apart from the magisterial powers vested in them by the Government, are favourably circumstanced for a discreet exercise of that most effective power which is based upon social influence and authority; and, except in a few points, the Governor General in Council scarcely feels called upon to object to resolutions which are the result of a covenant spontaneously entered into by the talookdars and other members of the native community, and which will operate more by the means of social and moral example than by means of the law. In this view, the Governor General in Council will leave to the talookdars to act as they please in regard to the collection of information within their estates, and likewise with respect to the infliction of social penalties.

4. If there be evidence to convict any one of infanticide, or of attempting to commit it, or of aiding or abetting or concealing it, such evidence will of course be brought by the talookdar to the notice of the district authorities in the usual manner; and if any talookdar should have reasonable ground for suspecting any one of committing such offence, it will be his duty to make it known to the police.

5. The only references other than the ordinary ones resulting from the discharge of their public duties, which the associated talookdars should be permitted to make to any Government officer, are the communications of the quarterly and annual returns of their proceedings, spoken of in paragraphs 10 and 20. Copies of these should be sent in to the Chief Commissioner.

6. The reasons for this exception are that the scheme of the associated talookdars, though generally worthy of the approval which the Governor General in Council has accorded to it, may, in its working, give rise to some difficulties against which it may be hereafter necessary to provide by legislative enactment. For instance, when the association shall exclude from social intercourse persons against whom very reasonable suspicion may exist of connivance of infanticide, and when also they shall proceed to publish the names of such persons throughout the Province, it may become necessary to give to the talookdars protection from legal proceedings, civil or criminal, on the part of the suspected persons thus held up to public reprobation. On the other hand, in order to guard the measure from the possibility of abuse, it may be advisable that the Chief Commissioner, where he has sufficient grounds for supposing that there has been a strained or unjust exercise of the discretionary authority of the talookdars, should have it in his power to enable a person suffering from their decision to proceed in the ordinary way before the courts of law. Special legislation on this subject is to be avoided if possible; but rather than fail in the laudable purpose which the talookdars have in view, and which the Governor General in Council has much at heart, it may become advisable to enact a law, reciting such of the resolutions respecting infanticide as shall have met with the general approval of Government, and providing that whenever a meeting of talookdars, constituted in a manner to be defined by the law, shall, after giving the suspected person a fair opportunity of explanation, and letting him know fully the grounds of suspicion, pronounce its belief that such person has been guilty of conniving at the crime, or of screening the perpetrator, and shall declare that by reason thereof he ought to be excluded from society, no proceedings, civil or criminal, shall be taken against any member of the meeting, or against any person acting in conformity with such resolution, in respect of the exclusion from society or of the publication in Oudh of the declaration of such meeting, unless the Chief Commissioner or some officer appointed by him for that purpose, shall certify that, in his judgment, there is reasonable ground for such proceeding, and that the party complaining ought not to be barred therefrom.

7. The possibility of its being necessary to have recourse to such exceptional legislation renders it the more important that the resolutions should be freed from any thing objectionable; and bearing this in view, the talookdars will doubtless see the propriety of some further omissions and modifications which will presently be noted. Such legislation would be of a novel character, because it would to some extent deal, not with an offence proved before a legal tribunal, but with the suspicion of an offence stopping short of legal proof, although inducing in the mind of an irregular and self-constituted, but by no means incompetent tribunal, a belief of the moral guilt of the accused; and because it would

take cognizance of the position in social life of the suspected persons, which is a matter not within the usual province of legislation. These objections, though calling for careful consideration, might not be held by the Governor General in Council to be insuperable, if it were found by experience that, without affording some such protection to the talookdars and their associates, their present laudable movement against infanticide would be paralysed, and that the offence continued to prevail with the same practical impunity as before. But his Excellency in Council trusts that the necessity may not arise.

8. To revert to the Resolutions:—With respect to the first of these, the Governor General in Council is of opinion that no aid can be given towards compelling the chutries to execute the covenants mentioned in the 1st Resolution, although no objections exist to the talookdars taking them, if voluntarily given.

9. The 2d Resolution needs re-casting, as the district authorities cannot be required to interfere in any way.

10. The 4th Resolution renders chowkeedars, who fail to report as directed, liable to the same punishment as for the concealment of heinous offences. Dismissal is the only punishment that could be recognised.

11. The 5th Resolution should conclude with the words “would be held (socially) responsible.” The last sentence being omitted.

12. The 6th Resolution, speaking of Putwaries, closes by stating “that they would be excommunicated, and would be liable to the punishment laid down by the law.” They would be so liable only when they had individually infringed the law.

13. The 7th Resolution is disapproved. With regard to the use of the word “excommunicate” in the 6th, 8th and 9th Resolutions, and to its subsequent use elsewhere, the process of excommunication referred to throughout these Resolutions can only be recognised by the Government so far as it is confined to exclusion from social intercourse on the usual terms of mutual respect and courtesy. The Government cannot sanction any religious excommunication depending upon the rules of caste.

14. Again, in the 9th Resolution, it is laid down that “if there be no sufficient evidence to convict the offender of murder, and yet the suspicion against the accused be strong, in that case he should be at once excommunicated from the pale of Hindoo society.” This can only be allowed, if at all, when a meeting of talookdars has unanimously pronounced the suspicion to be so strong as to impress them with a belief on guilty participation or connivance.

15. The provisions of the 12th Resolution cannot be sanctioned.

16. The latter clause of the 13th Resolution could not be sanctioned unless it were limited to persons convicted by a legal tribunal of some crime in connection with infanticide, or unless a special law were passed empowering a meeting of the talookdars to declare a person liable to social exclusion; it being permitted by such law that in such case the name of the person be published, and no legal proceedings be taken in regard to such publication unless the Chief Commissioner shall certify that there are grounds for such proceedings. These remarks apply equally to the provisions of the 14th Resolution.

17. With reference to the conclusion of the 16th Resolution, the Government can give no assistance with respect to the expenses of marriages, beyond approving the principle which the talookdars urge for the consideration of those classes specially addressed.

18. It will be manifest, after what has been said in this letter, that the district authorities cannot act indirectly through the Association in the way set forth in the 17th Resolution.

19. In the 19th Resolution, the suggestion, that for neglect or wilful concealment the estate of a talookdar should be placed under the management of a nominee of Government, cannot be adopted. The Government of India will not sanction any such interference with the estates of the talookdars.

20. From the 20th Resolution the words "as also the district authorities" should be expunged.

21. The reduction of marriage expenses, and the co-operation and adoption of early measures by the talookdars for this purpose, are points with which the Governor General in Council is of opinion that the talookdars cannot grapple too soon or too earnestly. The purport, therefore, of the 22d Resolution, which seems rather to under-rate the importance of early action in this matter, is much regretted by the Governor General in Council. With regard to the practice said to be prevalent in the North Western Provinces, the Government of India would be willing to notify its approbation of the principle, but it cannot interfere more actively.

22. The law is already clear upon the point laid down in the 24th Resolution. Infanticide, being murder in one of its worst forms, is regarded and dealt with by the law for all purposes as the most heinous of crimes. Unless, therefore, the 24th Resolution be intended to impress upon the native community that, so far as the Government is concerned, the issue of these resolutions implies no compromise on the part of Government with this hateful crime it is supererogatory.

23. The Governor General in Council relies upon your judgment and discretion when communicating with the talookdars upon the emendations to be made in their resolutions, that their ardour in so sacred a cause shall not be damped by the caution which has rendered these criticisms unavoidable. They will observe that the Governor General in Council has been as jealous not to allow any sanction to proposals, which in practice might degenerate into arbitrary interference with their estates, as he has been sedulous, by restricting his approval to penalties of a social character, to avoid any departure from one of the cardinal principles of our rule, non-interference with the religious practices of Her Majesty's Indian subjects. It will be your duty to assure them that the Governor General in Council takes the liveliest and most anxious interest in the success of their endeavour, and that he views it as being that which they have themselves described it to be, a fruit of the policy which has guided the administration of Oudh under the Government of the Queen. It is a source of great satisfaction to his Excellency in Council that the talookdars of Oudh have evinced not only an appreciation of the principles which influence Her Majesty's Government, but a confidence in appealing to them. They may rely on the cordial sympathy with which their exertions will continue to be regarded by the Governor General in Council.

POLITICAL DEPARTMENT.

Sir *Charles Wood* to the Governor General of India; dated 23 May
(No. 45), 1862.

Para. 1. In my Despatch, No. 7 of 1862, I recorded an expression of the satisfaction with which Her Majesty's Government had received the announcement of the spontaneous efforts about to be made by the talookdars of Oude for the suppression of female infanticide in that country.

2. Among the enclosures of your letter then under reply was a series of resolutions passed by the talookdars themselves, embodying the details of the scheme by which they hoped to give practical effect to their humane intentions.

3. It did not appear on the face of your proceedings in what manner these resolutions had been communicated to your Excellency's Government, or whether you were in any way called upon to give the authoritative sanction of your Government to the details of a scheme, having its root in the elements of Hindooism, and intended to suppress the abominable practice by the application of penalties derived from the social and religious usages of the Hindoo community.

4. It

4. It appears, however, from the letter to which I am now replying, that these resolutions have been under the consideration of your Excellency's Government, and that Sir Robert Napier has recorded a Minute in which he expresses a doubt with respect to the expediency of according the sanction of your Government to certain of the provisions which relate to a proposed system of religious excommunication. As this Minute has not been forwarded with the other papers, I can gather only inferentially from the Minutes of the other members the grounds of objection. I request, therefore, that you will forward to me the missing document. With the information before me, I am disposed to consider the orders contained in Colonel Durand's letter of the 21st December 1861 judicious, and I shall watch with much interest the result of this movement, the operation of which I request you will report to me periodically.

From *C. U. Aitchison*, Esq., Under Secretary to the Government of India, Foreign Department, to Lieutenant Colonel *L. Barrow*, c. B., Officiating Chief Commissioner of Oude (No. 1854); dated 8 June 1860.

WITH reference to the Abstract of your Proceedings in the Revenue Department for the week ending 19th ultimo, I am directed to request you will submit, for the perusal of the Governor General in Council, a copy of the correspondence entered therein as Nos. 9 and 10 regarding talookdaree tenures, together with a copy of the letter No. 1560, quoted in your Officiating Secretary's reply to the address of the Commissioner of Lucknow.

From *C. Currie*, Esq., Officiating Secretary to the Chief Commissioner of Oude, to *C. U. Aitchison*, Esq., Under Secretary to the Government of India, Foreign Department (No. 2257); dated 14 June 1860.

I AM directed to forward to you, for submission to his Excellency the Governor General in Council, copies of the letters noted in the margin, called for by your letter No. 1854, dated 8th instant.

Letter to Commissioner, Lucknow, No. 1560, dated 24th April.
From Commissioner, Lucknow, No. 880½, dated 2d May.
Reply, No. 1852, dated 14th May.

From *C. Currie*, Esq., Officiating Secretary to the Chief Commissioner of Oude, to the Commissioner and Superintendent of Lucknow (No. 1560); dated 24 April 1860.

In reply to your letter, No. 796, dated 20th instant, I am directed to state that the Deputy Commissioner of Oonao is undoubtedly right in holding that confiscation, under the Proclamation of March, where it has been carried out, annuls proprietary rights of every kind in the soil, inferior as well as superior.

2. This principle has been prominently and repeatedly affirmed and acted upon by the Chief Commissioner, and has formed the subject of Circular, No. 162, dated 24th November last.

3. But the Deputy Commissioner is mistaken in giving a restricted and technical meaning to the term talookdar, and in assuming that, unless there are two distinct interests in an estate, there cannot be a talookdar, nor, consequently, a party entitled to receive a sunnud. The term should be understood in the extended sense of an opulent landholder. In para. 4 of his Circular No. 165, the Chief Commissioner explained that any zemindar whose title had not been disputed at last settlement would receive a sunnud; such a zemindar is to be considered a talookdar.

4. With reference to the following passage in para. 2 of your letter, "omits from the list 17 of 36 talookdars, although sunnuds had been given to all," I am directed to inquire how sunnuds had been given to all these, as the Chief Commissioner's instructions were that no more sunnuds were to be given till the primogeniture question had been decided. The Chief Commissioner desires to know how many talookdars in your division have received sunnuds.

From Colonel *S. A. Abbott*, Commissioner and Superintendent of Lucknow, to the Secretary to the Chief Commissioner of Oude (No. 880½); dated 2 May 1860.

IN reply to your letter, No. 1560, of 24th ultimo, I have the honour to request you will do me the favour to lay before the Chief Commissioner the following remarks:

2. It is probably my stupidity in not clearly comprehending the subject, but it appears to me that there is a discrepancy between the definitions of talookdar in the communications below noted. In the Circular of your office, No. 162—2679 of 24th November, it is declared that the Proclamation confiscated all rights in every species of property, and those rights were conferred on the persons upon whom the estates were conferred.

The Circular of later date, No. 165 of 1st December 1859, defined a talookdar to be when there were two interests, a superior and inferior, and the talookdar to be possessor of the former.

3. Now, all estates in Oude were confiscated and conferred upon the different talookdars; therefore if the rule of No. 162 Circular be applied, there cannot be two interests in any talookdaree estate, and, consequently, the rule of Circular No. 165 does not correctly define the term talookdar. I trust the Chief Commissioner will pardon my stupidity if I have not comprehended the definitions as he intended to describe them, and permit me to remark that under the Native Government there can be no question but that two distinct interests existed.

* *Vide* Letter, No. 858, case of Madom Beg and Nadir Beg.

4. An instance of this was shown in a case I yesterday reported,* in which the talookdar recognises the sale of a share of one of the sub-proprietors, and many other instances could be brought, I dare say, to bear upon the subject, but the one only occurs to me at this moment.

5. The object, I understood, in confiscating all proprietary rights was to admit of restoring the status we found in 1263 in engaging with the superior interest, the talookdar.

6. In Circular No. 31—1761 of 28th January 1859, Special Commissioner of Revenue, it is distinctly declared to be the condition of the settlement to recognize the superior right of the talookdars. This distinctly recognises an inferior right, although no further mention is made of it in the circular quoted, nor has it ever been clearly defined.

7. Whatever the right may be, and it has been repeatedly and authoritatively declared that there is an inferior right, it should, in my opinion, be distinctly declared whether it be the right of an hereditary cultivator to cultivate so long as revenue is regularly paid, or of sub-proprietors to sell and mortgage their sub-shares as under the native rule; the question should be clearly laid down so as to admit of no misunderstanding. Cultivators at will they cannot be, for this indicates no right of occupancy.

We have at present for guidance only the two letters above quoted, the one declaring that no superior interests exist, the other of a later date declaring the existence of a superior and inferior interest, but without defining what the inferior interest is.

The circular might be supposed to cancel the former; did your letter under reply not refer me to it for guidance?

8. There is only one other light in which to regard the question. It is possible that the Chief Commissioner in the two circulars made a distinction between lands confiscated and restored to former talookdar proprietors in which the two rights are to be recognised, and the lands which have been confiscated from one talookdar and given to another in which only one interest is to be recognised; both superior and inferior rights have been given to another. But even supposing this to be the case, the former sub-proprietors must be recognised to hold some definite interests; if not the same as the others (why it should differ does not appear clear), still the right of hereditary cultivators must reasonably be given to them. It would appear cruel to permit the new talookdars to oust them without cause. The inferior tenures of such grants should, it appears to me, be on the same footing as those of the restored talookas, whatever footing that may be declared to be.

Judging by the difficulty I find in comprehending distinctly what the Chief Commissioner's definition of a talookdar really is, I can easily conceive that district officers may be equally at fault, and I therefore trust the Chief Commissioner will do me the favour to explain the apparent discrepancy I have noticed, and pardon the trouble I am inflicting.

From *C. Currie*, Esq., Officiating Secretary to the Chief Commissioner of Oude, to the Commissioner and Superintendent, Lucknow Division (No. 1852); dated 14 May 1860.

I HAVE the honour to acknowledge the receipt of your letter, No. 880½, dated 2d instant, on the subject of the rights conferred on talookdars, and the definition of the term.

2. In reply, I am directed by the Officiating Chief Commissioner to state that the talookdaree tenure, as at present existing in Oude, is of three kinds, viz., ancestral, acquired, and conferred.

3. In

3. In the two former of these classes, viz., the ancestral and acquired talookdarees, the order confiscating all rights in the land has not been practically carried out, though the talookdar holds by a new title, and these rights, consequently, remain unaffected by that order.

4. Amongst the ancestral talookdaree tenures, there may or may not be, within the estate, rights of a superior and inferior kind. In the trans-Gogra Provinces, inferior rights are almost, if not entirely, unknown; the talookdar is sole and undisputed owner of the estate. His tenants are simply Assamees, possessing no right of occupancy in the soil beyond what the talookdar chooses to confer.

5. On this side the Gogra, however, and more especially in the Fyzabad and Sultanpore districts, where large and powerful clans of Rajpoots are found settled on the land for ages occupied by their ancestors, the talookas present, in many instances, two separate and distinct rights, the superior and inferior. It is at present premature to attempt to define the relations between the talookdar and the sub-proprietors. It is sufficient that the Government have declared that the sub-proprietors are to be maintained in possession of all reasonable rights they may have exercised prior to annexation; the Chief Commissioner's Circular, No. 79, dated 26th May 1859, laid down explicit rules on the point. It will be the duty of the settlement officer making the regular settlement to define these rights in accordance with such rules and instructions as the Chief Commissioner may consider it necessary to issue. Isolated cases which may arise during the present settlement will be decided on their merits.

6. The preceding remarks apply with equal force to those talookdaree tenures which have been acquired. It is unnecessary to enter into any explanation of the methods by which these estates have been acquired by their present holders. In some, the rights of the original proprietors have been entirely eradicated, in others they still exist in a more or less perfect state.

7. With regard, however, to these estates which—the award of confiscation having been carried into effect—have been conferred as rewards for loyalty and good conduct on the several talookdars, and which are designated conferred talookdaree tenures, in these all rights, whether of ownership or occupancy, have been confiscated, and the estates have been conferred on their respective recipients free from all liens, engagements, or drawback whatever. The sub-proprietors, if there formerly were any, do not possess any definite interest whatever beyond what they may have derived from the grantee, who will seldom oust under-proprietors, whose rights are clear and defined and not unreasonable, but the necessity for declaring this rule was so justly felt in many cases where estates had been given in reward, or the parties on whom they have been conferred would have gained nothing. The Officiating Chief Commissioner cannot understand on what principle you would urge the sub-proprietor into an hereditary cultivator. The location of a class of cultivators, of small holdings and no capital, possessed of a recognised right of occupancy at fixed rates of rent, is, in the Officiating Chief Commissioner's opinion, a great evil. The grant of an estate hampered with such conditions would not be a boon but a burthen to the recipient, and the Officiating Chief Commissioner cannot in any way recognise such rights.

8. In conclusion, I am desirous to state that the Officiating Chief Commissioner considers the definition of the term talookdar, as laid down in para. 3 of my letter No. 1560, dated 24th ultimo, sufficiently concise and explicit, and does not understand how there can be any further doubt on the subject.

(No. 75.)

COPY of the above letter, together with extract, para. 3, of letter No. 1560, dated 24th ultimo, forwarded to all Commissioners (except Lucknow) for information and guidance.

(signed) C. Currie,
Officiating Secretary to the Chief Commissioner of Oude.

From A. R. Young, Esq., Deputy Secretary to the Government of India,
Foreign Department, to the Chief Commissioner of Oude (No. 4060);
dated 12 September 1860.

I AM directed to acknowledge the receipt of your secretary's letter, No. 2257, dated the 14th June last, forwarding certain correspondence regarding talookdaree estates in Oude.

2. In your secretary's letter to the Commissioner of Lucknow, No. 1560, dated the 24th April last, you lay down the general proposition that "confiscation under the proclamation of March, where it has been carried out, annuls proprietary rights of every kind in the soil, inferior as well as superior." In the correctness of this proposition the Governor General entirely agrees so far as the effect of the proclamation is concerned.

3. It appears, however, from the Commissioner's letter, No. 880½, dated the 2d May last, that in a circular, dated the 24th November preceding, you ruled that "the proclamation confiscated all rights in every species of property, and those rights were conferred on the persons upon whom the estates were conferred, and that in a subsequent circular, dated the 1st December, you defined a talooka to be where there are two interests, a superior and an inferior, and a talookdar to be the possessor of the former, that is, the superior interest.

4. Colonel Abbott pointed out the inconsistency of these two circulars, observing that, as all estates in Oude were confiscated and afterwards conferred on talookdars, either one circular or the other must be wrong; that if all rights in every species of property contained in a talooka had been conferred on the talookdar, there could be only one interest in the talooka, and that, on the other hand, if there were still an interest in the talooka inferior to that of the talookdar, all the rights contained in the talooka would not have been conferred upon him.

5. In Colonel Abbott's view, the object of confiscating all proprietary rights "was to admit of restoring the status we found in 1263 in engaging with the superior interest of the talookdar." He showed that a circular of the 28th January, in declaring that the condition of the settlement was to recognise the superior right of the talookdar, recognised by implication an inferior right. And he gave his opinion that the nature of this inferior right should be distinctly declared, "whether it be the right of an hereditary cultivator to cultivate so long as revenue is regularly paid, or of sub-proprietors to sell and mortgage their sub-shares as under the native rule."

6. To this the Officiating Chief Commissioner replied in your secretary's letter, No. 1852, dated the 14th May, that the talookdaree tenure, as at present existing in Oude, is of three kinds, namely, ancestral, acquired, and conferred; that in ancestral and acquired talookas the order confiscating all rights in the land had not been practically carried out, though the talookdar holds by a new title, and these rights, consequently, remain unaffected by that order; but that in estates actually confiscated and conferred as rewards on talookdars "all rights, whether of ownership or occupancy, have been confiscated, and the estates have been conferred on their respective recipients free from all liens, engagements, or drawbacks whatever."

7. Colonel Barrow goes on to say that in these estates "the sub-proprietors if there formerly were any, do not possess any definite interest whatever beyond what they may have derived from the grantee;" and then, after enlarging on the inconvenience which the existence of inferior rights would impose on the grantee, he absolutely refuses to recognise them.

8. The Governor General in Council desires me to observe that in declaring that in confiscated estates which have been conferred on talookdaree tenure on a new grantee, the strict terms of the Proclamation of March 1858 are to be enforced against all holders of subordinate rights in such estates, and that the whole agricultural community whatever their previous status are to be reduced to the condition of tenants at will under the new talookdaree grantee, the Officiating Chief Commissioner has gone considerably beyond the intentions of his Excellency, and has not acted in accordance with the spirit of Her Majesty's Proclamation.

9. In the Governor General's Orders of the 19th October last, defining the extent of talookdaree rights as against inferior holders, no distinction was made between ancestral and acquired talookas on the one hand and conferred talookas on the other, and no such distinction has ever been recognised by the Government.

10. The policy of the Government has been to leave the confiscation of 1858 in force only in the cases of persons who persisted in rebellion, and generally so far as to restore in its integrity the ancient talookdaree tenure wherever it had existed at the time of the first occupation of Oude in 1856, but had been set aside by our revenue officers. But the Governor General in Council never intended that in talookdaree estates confiscated under the general order and conferred in consequence of the persisted rebellion of the talookdar on a new grantee, all the holders of subordinate rights, though themselves not persisting in rebellion, and though pardoned by the Queen, should be merged in the consequences of the talookdar's guilt, and become partakers of his punishment.

11. It was the intention of the Government that all such subordinate holders, unless specially deserving of punishment for persisted rebellion, should be restored to the rights they possessed before the rebellion, whether the parent estate were ancestral, acquired, or conferred, and that every such holder should be maintained in his rights under the new grantee precisely as if the talooka had not been confiscated, or as if, having been confiscated, it had been settled with the hereditary talookdar.

12. Generally, as regards the position of those who hold under the talookdars, the intention of the Proclamation of 1858, and of every Act of Government that has followed it, was a return to the condition of things which existed before the annexation of Oude, and which had been altered (for the better as was then believed) by the action of our officers in 1856, under the instructions issued on annexation. This is stated broadly and generally in paras. 29, 30,* and 31 of the Governor General's published despatch of June 17th, 1858, to the Secret Committee, and is further explained in the Instructions of October 19th, 1859.

13. As regards the talookdars the intention of the Proclamation of 1858, and of the declarations made and measures taken in October 1859 and subsequently, was, first, that in replacing them in possession of their old estates, or in conferring upon them new estates (as the case might be), they should step into such possession, carrying with them the rights and authority which the talookdars of those estates respectively held before annexation, and which the action of our officers in 1856 had impaired; and also carrying with them a new title derived from the Government, from whom alone, as their possession had been confiscated, any title could be derived; secondly, that the talookdars should, by certain obligations imposed upon them, be restrained from the abuse of those rights and that authority.

14. As already observed, you are quite right in saying that "confiscation† under the Proclamation of March 1858, where it has been carried out, annuls proprietary rights of every kind in the soil, inferior as well as superior," and in this sense confiscation was carried out throughout the province, except as regards the six estates specified in the proclamation.

+ Letter of April 24th, 1860, to Commissioner of Lucknow.

15. It makes no difference whether, subsequently, any particular estate was re-granted to its former talookdar, or was granted for the first time to a stranger. The proclamation of confiscation had its effect in both cases, enabling the Government in both to revert to the order of things which existed before annexation, and to superadd certain precautions against the abuses then practised.

16. It is a mistake to suppose that because an estate is now in the hands of the talookdar, who held it under the British Government from the time of annexation to the time of the mutinies, the decree of confiscation has not taken effect on it.^b The effect of the proclamation upon such an estate has been that it is now held under a direct title from the British Government, and that the relations

* Para 31. I apprehended little difficulty, and so far as experience has gone little has, I believe, been found in explaining to the talookdars and landowners with whom our officers have come in contact that the confiscation "does not necessarily operate as a permanent deprivation of their rights, but that it places in the hands of the Government the power of punishing those who shall still persist in rebellion after life and honour have been guaranteed to them, of rewarding those who shall promptly come forward and give their support to the Government and to the cause of order, of substituting in every case of restoration the undeniable title derived from the will of Government for the doubtful title which alone could be advanced by the majority of those whom the order affected, and of attaching to the fiat of restoration such conditions of service (political and military), fealty and good conduct, as the altered circumstances of the province have made essential to the firm establishment of our authority."

relations which subsist between its talookdar and the holders under him are those which subsisted between them before annexation, modified or regulated by such obligations as the Government has imposed, not those which were established between them by our officers acting under the instructions issued at annexation.

17. You are therefore requested to cancel the orders of the officiating Chief Commissioner, conveyed in your secretary's letter to the Commissioner of Lucknow, dated the 14th May last, and to issue instructions in conformity with the terms of this despatch. You will take care that these instructions are made known not only to the officers charged with carrying them out, but to all who are interested in them, and that in making the settlement the principles laid down in the orders of the 19th October may be strictly acted up to in all estates. The Governor General in Council fails, indeed, to understand how, immediately after the issue of those instructions, you could address a circular to your subordinate officers telling them all rights in every species of property confiscated by the proclamation were conferred on the persons on whom the estates were conferred, that is, upon the talookdars.

18. You will also bear in mind that the Secretary of State, in reviewing those orders, observed, in para 11 of his Despatch, No. 33, dated the 24th April last, as follows :—

“ You were quite right in rejecting at once the proposition of the Chief Commissioner that all under-tenures should be abandoned to the mercy of talookdars ; and I observe from your Lordship's more recent proceedings that the engagements into which you have entered with the talookdar provide for the protection of the under-proprietors, and that when a regular settlement is made in all cases where there is an intermediate interest in the soil between the talookdar and the ryot, the amount or proportion payable by the intermediate or subordinate holder to the talookdar will be fixed and recorded after careful and detailed survey. I consider that in a careful adherence to this rule must now mainly depend the maintenance of the rights of the village communities.”

19. In conclusion, I am desired to state that the Governor General in Council considers it right to extend the designation of talookdar to every opulent zemindar paying revenue direct to the Government, whether there be subordinate holders intermediate between him and the actual cultivator of the soil or not. There is no real difference between such a zemindar and a talookdar, and it will prevent confusion to call them all by the same name.

From *C. Beadon*, Esq., Secretary to the Government of India, Foreign Department, to *C. J. Wingfield*, Esq., Chief Commissioner of Oude (No. 2016); dated 15 June 1860.

I AM directed by the Governor General in Council to forward to you the accompanying extract (paragraphs 1 to 5, and 10 to 26) from a despatch from Her Majesty's Secretary of State for India, under date 24th April last, No. 33, reviewing the administration of the province of Oude since its recapture.

2. I am to draw your particular attention to paragraphs 11 and 17, the sense of which you are requested to embody in your instructions to the officers charged with the duty of making the detailed settlement of the province. You are also desired, with reference to paragraph 15, to report early, for the information of his Excellency in Council, your views in regard to the duration of the new settlement.

3. With reference to paragraph 21 of the Secretary of State's Despatch, you are requested to submit a return of the officers, with their names and official designations, who now exercise the power of corporal punishment, stating whether, in your opinion, it is expedient that the power should be taken away from any officer or class of officers at present exercising it.

4. With reference to paragraph 23, I am directed by His Excellency in Council to ask your opinion, and that of the Judicial Commissioner, regarding the

the proposal contained in Sir J. Outram's Memorandum to exempt from the ordinary limitation of the right of appeal cases involving territorial disputes

5. I am further to inquire whether the reduction of establishment alluded to in paragraph 24 can be carried out, and to what extent.

From C. Currie, Esq., Officiating Secretary to Chief Commissioner, Oude, to the Deputy Secretary to Government of India, Foreign Department (No. 3109); dated 1 September 1860.

I AM directed to report, for the information of his Excellency the Governor General in Council, that the injunction contained in paragraph 17 of the despatch from Her Majesty's Secretary of State for India, No. 33, dated 24th April last, to which attention is called in your letter, No. 2016, dated 15th June last, to the effect that in confiscated estates bestowed on certain European gentlemen, care should be taken to record and guard the prospective rights of other classes in such cases with as much caution as in the lands of native talookdars, is at variance with the course that has been pursued in Oude, as will be gathered from the correspondence forwarded with letter, No. 2257, dated 14th June last, now before Government.

2. From the above letter it will be seen that, on the Chief Commissioner's ruling, the practice has been to consider the award of confiscation, whenever it has been carried into effect, as annulling all inferior rights, and giving the new proprietor a clear title.

3. The Chief Commissioner's reasons for adopting this view were that, by the Proclamation of March 1858, confiscation was decreed against all proprietary rights in the soil, not against the right of the talookdar alone. When a talooka was restored to the talookdar the *status quo* at annexation was restored too, for as the punishment had extended to all on the estate, so did the pardon. But if the talookdar was not replaced in possession the *status quo* was not restored, and the decree of confiscation remained absolute against all right.

3½. This principle has been maintained in the distinction drawn between confiscation under the Proclamation of March 1858, and confiscation for concealment of arms. The latter is held out to affect inferior rights in a talooka, because the penalty was incurred by the talookdar only.

4. It seems but reasonable to give the person whom we desired to reward complete possession of the land, or the reward might lose much of its value. It is certain that preposterous claims to enjoy the best lands at low rent, or at none at all, and all kinds of fictitious rights, would have been asserted by the under-proprietary, which, in the absence of the old talookdar, no one would have cared to refute. The feeling of the residents on confiscated estates was always strong against the new proprietor, who needed the support of the Government. In one or two cases where the latter was weak, the interference of the authorities was called for to bring the village occupants to order.

5. It is also a point to be considered who the classes are that would benefit by the measure directed by the Secretary of State. The great bulk of confiscated estates lies across the Gogra, where independent communities are very rare, and, as a general rule, there is no interest subordinate between the talookdar and the ryot, and, consequently, there are few or no rights to protect. The next largest tract of confiscated land is in the Baiswara division, being composed of the great estates of Benec Madhoo and his two brothers, the very home and nursery of the late Bengal army. The persons who will be the objects of our solicitude are the relations of the sepoy mutineers and murderers, and very often the mutineers and murderers themselves. The tenants on these estates were not under any coercion from their superior; they entered heartily into the cause of the insurrection, and followed their chief with enthusiasm. Sympathy for such people would be utterly misplaced: if viewed only as a measure of retribution for their crimes, the penalty of confiscation should extend to all inferior rights on these estates. In no instance has it been more thoroughly deserved.

6. The Chief Commissioner has reason to believe that in the North-Western Provinces confiscation for rebellion, under Act. XXV. of 1857 or any of the penal Acts, of the rights of the person under the engagement to Government has always carried confiscation of the inferior rights with it, and the Chief Commissioner well recollects that, when Commissioner of the Goruckpore district, he always included the rights of "birteeas," intermediate holders between the zemindars or talookdars and the ryots, in the confiscation of an estate.

7. Some instances have occurred in Oude when the persons, on account of whose rebellion the estate was confiscated, were themselves a proprietary body, possessing the inferior as well as superior rights in the land. There can, of course, be no question that the provisions of the Chief Commissioner's Circular should be enforced in such cases.

8. With reference to the 24th paragraph of the Secretary of State's Despatch above alluded to, I am desired to observe that the limitation of appeal in civil suits does not apply to claims to rights of any kind in land. In this province, as in the Punjab, the latter class of claims are heard in the revenue courts, on the civil side, and the Chief Commissioner has imposed no restrictions whatever on the right to appeal. Any case instituted in the district courts can be appealed to the Commissioner, and from him to the Chief Commissioner, in his capacity as Financial Commissioner, and many such appeals are preferred.

9. The Chief Commissioner thinks it would be very inexpedient to alter this rule, as suits for rights in land often involve broad principles of revenue administration that constitute precedents, and should be determined by no one less than the chief revenue authority. At the regular settlement all suits of this nature will be heard in the court of the settlement officer only, from whose decision appeals will lie through the Commissioner to the Chief Commissioner.

10. When the regular settlement is completed, and all claims to rights in land have been finally settled, it may become a question whether the rule of appeals for the civil courts might not be made applicable to the revenue courts also, for the cases that will thereafter arise will be of an ordinary character; but the Chief Commissioner is quite convinced it could not safely be extended to them at present.

11. Indeed, after regular settlement, it would still be desirable that cases, such as disputed claims to succession to great talookas, should always finally be disposed of by the Chief Commissioner himself.

12. The Chief Commissioner begs to be allowed to suspend his opinion regarding the term for which the regular settlement should be made till the close of his cold weather tour, by which time he will have learnt the opinions of officers well calculated to judge. His present impression is, that it will not be expedient to fix a uniform term for the entire province, for the natural features and circumstances of particular districts differ very extensively.

13. In the last paragraph of your letter under acknowledgment, his Excellency inquires whether the reduction of establishment alluded to in paragraph 24 of the Secretary of State's Despatch can be carried out, and to what extent. On this point the Chief Commissioner desires me to refer his Excellency to my letter, No. 85, dated 18th January last. In that letter the Chief Commissioner pointed out how very weak the Commission practically was, notwithstanding the increase of six assistant commissioners. He drew attention to the fact that the number of the Commission had been decreased by the necessity of suppressing two subordinate appointments, viz., one assistant and one extra assistant commissionership, to provide the salary of a civil judge. He also remarked that the effective strength of the Commission, as shown in the statement then submitted, might be taken as a fair criterion of its average strength, seeing that the number of absentees on special duty, privilege leave, and leave on medical certificate, would remain much the same.

14. It was clearly demonstrated that, while the duties devolved on the district officers in this province are as onerous as in the North-Western Provinces, yet the number of European and native officers of the higher grades are as three to five in Oude, as compared with those provinces. Since that time Act XXXII.

of 1860 has been passed into law, and this will necessarily entail much extra labour on the executive. The regular settlement is also about to commence, a work which, his Excellency is well aware, is one of no ordinary difficulty.

15. In paragraph 36 of your letter, No. 12, dated 4th February 1856, his Excellency distinctly authorised the organization of a separate settlement department, and the selection of officers qualified by their knowledge of our fiscal system and by experience to undertake the work. His Excellency goes on to remark that he apprehends that at no time will the district officers charged with the heavy and responsible duty of carrying on the ordinary administration of the country in all its branches be enabled to give to the important and difficult task of effecting a regular settlement, on the basis of a detailed survey, and in the complete form which will be requisite, that degree of attention and labour without which the work cannot be satisfactorily accomplished.

16. Although the above instructions, taken in connection with the extra labour devolving on district officers from the introduction of the income tax, would have authorised the Chief Commissioner to have applied to his Excellency to sanction an entirely separate survey and settlement department, yet fully impressed with the financial exigencies of the State, and entertaining the conviction that the work of settlement can be far better performed by the experienced district officers, the Chief Commissioner has determined to undertake the regular settlement of the province with their agency, aided only by a small extra establishment, such as is sanctioned in the North-Western Provinces, for a revision, not the original making, of a settlement.

17. Under these circumstances, the Chief Commissioner can hold out no hope of the possibility of a reduction, without detriment to the general efficiency of the administration, of the number of executive functionaries for some time to come, certainly not as long as the regular settlement is in progress.

From *A. R. Young*, Esq., Deputy Secretary to the Government of India, Foreign Department, to *C. J. Wingfield*, Esq., Chief Commissioner of Oude (No. 5114); dated 31 October 1860.

I HAVE the honour to acknowledge the receipt of your officiating secretary's letter, No. 3109, dated the 1st ultimo.

2. With reference to paragraphs 1 to 7 of the letter under reply, I am directed by the Governor General in Council to refer you to the Orders of the 12th ultimo, No. 4060, and to request that you will carry out, in respect to the lands bestowed on the European grantees, the same rule which you have been directed to observe in respect to all talookas granted as a reward for service.

3. A report has been called for from the Government, North-Western Provinces, on the subject of your officiating secretary's 6th paragraph.

4. With regard to paragraphs 8 to 11, I am desired to observe that it is no doubt right that, for the present, and until the settlement of Oude is completed, all suits connected with land should be heard in the revenue courts, with an appeal to yourself, but it may be a question whether, after the settlement has been made, all such suits should not be heard by the ordinary civil courts with an appeal to the judicial Commissioner.

5. With reference to paragraph 12, the Governor General in Council will await the expression of your opinion as to the term of ensuing settlement, after you have completed your tour and consulted some of the experienced officers subordinate to you, during the present cold weather.

6. His Excellency in Council considers the reasons given in the 13th and following paragraphs against any present reduction of establishment to be conclusive. It will evidently be impossible to do with a smaller number of officers while the settlement is in progress.

EXTRACTS from OUDE ADMINISTRATION REPORT, 1860-61.

The system of
granting pottahs ;
its results.

79. THE system of securing the sub-proprietors in talookdaree estates from extortion, by insisting on their being granted a pottah, has worked satisfactorily. It has been generally introduced, though in some districts its enforcement has given rise to a great deal of trouble. The most experienced officers are of opinion that the effect of the measure has been to reduce litigation and facilitate the adjustment of summary suits. The following statement shows the number of suits between landlord and tenant instituted throughout the province, distinguishing those in which pottahs existed from those in which they did not :—

DIVISIONS.	By Landlords against Tenants		By Lessees against Tenants		By Tenants against Landlords		GRAND TOTAL	
	With.	Without.	With.	Without.	With.	Without.	With.	Without.
Khyrabad - - - -	226	522	53	40	298	601	577	1,163
Lucknow - - - -	110	1,386	7	80	258	1,259	375	2,725
Baraitch - - - -	276	422	339	759	473	452	1,088	1,633
Baiswarra - - - -	193	434	22	25	603	796	818	1,255
	805	2,764	421	904	1,632	3,108	2,858	6,776
		805		421				
		3,569		1,325				

80. It will be seen that out of 3,569 suits brought by landowners against tenants holding direct, in 805 only had pottahs been given, as against 2,764 in which they had not. So also in about two-thirds of the cases instituted by lessees against their tenants, and in one-half of those brought by tenants against the landlords, pottahs had not been given. These statements may not be altogether correct, as in some instances the existence of a pottah was concealed during the trial of the case, but it is still sufficiently correct to prove that fewer occasions of disagreement arise when pottahs have been granted.

81. It is satisfactory also to find that while the total number of suits connected with the rent and cultivating occupancy of land has not materially increased during the year, yet the number of suits for exaction has decreased one-sixth, while those for the attainment of pottahs have more than doubled. As a rule, there has also been a decrease in suits for ouster, but the Lucknow statements show a very large increase in this class of cases in the Durriabad district. The officiating Chief Commissioner cannot but think that in those districts in which the returns are least favourable, sufficient attention has not been paid to the importance of this subject, and the grant of pottahs has not been enforced, or if enforced, the accuracy of the conditions of the lease has not been carefully tested. A comparative statement, showing the number of summary suits instituted during the past and preceding years, is subjoined :—

DIVISIONS.	Suits for Rent.		Suits for Pottahs.		Exaction.		Ouster.		TOTAL.	
	1859-60.	1860-61.	1859-60.	1860-61.	1859-60.	1860-61.	1859-60.	1860-61.	1859-60.	1860-61.
Khyrabad - -	717	657	-	41	323	230	375	547	1,415	1,475
Lucknow - -	1,410	1,478	30	69	658	432	809	1,389	1,231	1,427
Baraitch - -	825	1,027	397	1,058	706	450	906	748	2,834	3,283
Baiswarra - -	847	765	241	348	682	387	1,139	802	2,909	2,252
TOTAL - -	3,899	3,927	668	1,516	2,369	1,899	3,229	3,486	8,389	8,437

82. The Chief Commissioner was so well satisfied with the beneficial results of this measure that in January last he issued instructions for its extension. Hitherto the grant of pottahs has been compulsory only on talookdars to those holding direct of them. The Chief Commissioner has now ordered that from the commencement of the next agricultural year, every cultivator of the soil not paying revenue direct to Government, but paying rent for the land in his occupation, shall hold a pottah, be the person to whom such rent is paid who he may. A simple form of pottah has been enjoined, in the form of a cheque, the counterpart being retained by the grantee. The penalty prescribed for inattention to the above rule is that any one suing without a pottah is made to feel the invalidity of his claim by being placed in a similar position to a party suing in the Civil Court on an unstamped bond. He will have no written document in support of his claim. It has not been deemed advisable to enjoin the registration of such pottahs by a public notary, but district officers have been directed to encourage such a course. The main object has been to obtain a trustworthy record of engagements between the owners and cultivators of the land, rather than an accurate statement of the village assets.

83. The investigations into rent-free tenures have made satisfactory progress. The following statement shows the number already disposed of. In the great majority of those cases in which resumption has been decreed, the orders will not be carried into effect till the regular settlement.

Maafee investigations.

DIVISIONS.	In Perpetuity.		Released for Life.						Resumed.					
	By Government.		By Commissioner.		By Chief Commissioner.		By Government.		By Commissioner.		By Chief Commissioner.		By Government.	
	No.	Juma.	No.	Juma.	No.	Juma.	No.	Juma.	No.	Juma.	No.	Juma.	No.	Juma.
Lucknow - -	105	72,044	71	2,459	5	1,260	49	21,204	20	5,697	51	24,359	4	1,000
Baiswarra - -	41	5,879	73	1,918	3	67	128	41,550	44	6,321	186	64,617	5	2,988
Khyrabad - -	27	2,089	72	1,423	104	3,580	47	6,873	116	2,805	69	4,296	1	40
Baraitch - -	38	8,553	74	2,468	29	1,682	105	17,845	7	101	58	14,215	5	1,571
TOTAL - -	211	88,565	290	8,268	141	6,589	329	87,472	187	14,924	364	107,487	15	5,599

84. The trial of regular suits for rights in land in districts in which the regular settlement is in progress has been confined to the settlement officer. In other districts permission has been given to the Revenue Courts to hear them, on certain conditions; the main principle being that all cases which are of a peculiar or intricate character, or in which a final order cannot be passed without probable injury to the rights of others, or generally in which no hardship or injustice will be entailed by delay, shall be left to the settlement officer to dispose of. The evidence in such suits has been directed to be recorded in English, as also in summary suits whenever the investigation is conducted in the first instance, or on appeal by an European officer.

Regular revenue suits.

85. The regular settlement has been commenced in two districts, namely, Pertabgurb in the Baiswarra division, and Oonao in the Lucknow division. The progress made in the mechanical portion of the work will be noted under the section "Surveys;" it will be sufficient in this place to note briefly the principles on which the record of rights will be prepared. The leading principle which it is intended to enforce is the maintenance of rights as they existed just before the annexation, and no others. Sub-proprietors will be secured the possession of such rights as they were found in possession of in the Fusley year 1262-63, corresponding with 1854-55, A.D., as in that year arrangements were entered into between the talookdars and the intermediate holders which are known to have been favourable to the latter as regards the recognition of their rights. While maintaining the sub-proprietors in possession of their rights as above explained, it is not intended to depart from the fundamental principle of the land revenue system of India, that the Government is entitled to a certain portion of the produce of the soil. The Supreme Government having determined that the broad principle that it is entitled to 50 per cent. of

Record of rights in land at the regular settlement.

the gross rental of the land shall be kept steadily in view, where these sub-proprietors are found to have never paid to the talookdar more than the Government demand, which may be fixed on an estimate of the gross rental, the talookdar will be permitted to take that much only plus 5 per cent. Where the intermediate holders, as sometimes happens, are found to have paid less than the Government demand fixed at settlement, they will be compelled to pay the full demand plus 5 per cent. The Supreme Government has undertaken to grant the talookdars a fair compensation from the Government share, whenever it shall be found that the intermediate holders have intercepted a more than ordinary share of the aggregate profits of an entire talookqa. With regard to zemindars and all other parties not being talookdars with whom the summary settlement has being made, it has been declared that claims to all lands held by such persons must be heard, whether they were brought forward at the late settlement or not. Such claims will come under the provisions of Clause 12, Section 1 of Act XIV., 1859, prescribing 12 years as the period of limitation to suits for rights in land, to be computed back from the date of the settlement of the village in 1858-59, if the claim was made then, and, if not, from any subsequent date on which it was preferred up to the time the cause of action arose, which will be the date of dispossession. A copy of the Circular* on this subject is appended.

* No. 2, dated 29
January 1861.
Appendix I.

Rule of succession
in Talookdaree
Estates.

135. His Excellency the Governor General in Council has during the year passed final orders on the question of making primogeniture the rule of succession in great talookdaree families. His Excellency has refused to restrict in the smallest degree the power of talookdars to dispose of their estates during their lifetime, or bequeath them by will, at their death, in any way and to whomsoever they please. This right was guaranteed by the terms of the sunnud granted at the durbar held by his Excellency at Lucknow in 1859, at which the settlement made with the talookdars was declared final and perpetual. His Excellency, however, expressed his opinion, that whenever a talookdar died intestate, it would be advisable if his estate devolved entire to one heir, instead of being subjected to division amongst several. He therefore authorised the insertion of a fresh clause in the sunnuds granted to those talookdars in whose families the raj or guddee has not hitherto existed, and who expressed their desire to adopt such a rule, making it a condition of the grant by Government that the estate should, in the event of the intestacy of the talookdar, or any of his descendants, be subject to the rule of primogeniture. These instructions have been carried out, the wishes of the several talookdars have been ascertained, and fresh sunnuds, containing the new clause, have been issued wherever necessary. One hundred and sixty talookdars have adopted the rule.

136. Several cases of succession have already occurred. In one of these the guddee had always existed in the family of the deceased talookdar, who died intestate and without progeny. It was found that it was a rule of the family, that in such a case the estate went to the widow, who could adopt any member of the clan with the consent of the brotherhood. The Chief Commissioner, however, ruled that the law of primogeniture must, under the Governor General's instructions, be enforced; that by the law the succession of a female is not recognised, and that consequently the estate must descend to the next male heir, who in the case in point was the father of the deceased, he having succeeded by adoption. The present officiating Chief Commissioner being doubtful whether his Excellency intended to set aside local customs in families in which the guddee had always existed, and substitute in their place the strict rule of primogeniture, has referred for further orders.

137. The important measure of bestowing magisterial and revenue powers on certain great talookdars has met with marked success. It may be remarked that one of the main objects in granting these powers was to remove the large landed proprietors from the reach of affronts and interference from tehseeldars, which to men of rank and influence was the most odious feature of our administration, and also to legitimise and regulate the authority they had always exercised over their tenants, of which it would have been impolitic, if not impossible, wholly to deprive them. The duties thus imposed have been performed willingly and conscientiously, and in some instances with great intelligence and zeal. A statement showing the number of cases, criminal and revenue, which have been decided

decided by talookdars is appended. It will be perceived that the duty has fallen most heavily on Maharajah Maun Singh, whose estates are thickly peopled with turbulent and litigious races. The paucity of appeals from the orders of the talookdars, and the few instances in which their orders have been reversed or modified by the superior Courts, may be accepted as conclusive proof that their decisions are just and give satisfaction. On the revenue side it is pleasing to be able to record that the proportion of cases in which decrees have been given in favour of tenants against the talookdars' agent is proof that the powers have been exercised with impartiality and disinterestedness. Power to try civil suits involving claims of value less than 100 rupees has also been conferred on the talookdars during the year, and a set of simple rules has been drawn up by the Judicial Commissioner for their guidance in this portion of their duty, and their designation has been changed from assistant magistrates and collectors to honorary assistant commissioners.

138. Before making over charge of the province, Mr. Wingfield submitted to Government a list of talookdars on whom he recommended that magisterial revenue and civil powers should be conferred. Therecommendation has been complied with, and the number of honorary assistant commissioners has greatly increased. In some instances the magisterial jurisdiction of the talookdar has been extended beyond the limits of his own estate.

APPENDIX I.

RECORD OF RIGHTS.

1. THOUGH the summary settlement recently concluded with the talookdars has been declared final and perpetual, subject only to revision of assessment, it has at the same time been provided that the rights of the under proprietors, or parties holding an intermediate interest in the land between the talookdar and the ryot, "shall be maintained as these rights existed in 1855," and in para. 5 of Government letter, No. 2016, of 15th June last, it is explained, "that the only way in which the under proprietors can be protected is by limiting the demands of the talookdars against such persons during this settlement, to the amount fixed by Government, as the basis of its own revenue demand."

2. The rule on which we must take our stand for determining the amount payable to the talookdar by the under proprietors, or persons holding an intermediate interest between him and the ryot, is to maintain the rights they were found possessed of in 1855, or just before the annexation of the province, and no others; or we shall be in part repeating the errors of 1857, and reviving extinct rights, as much to the disgust of the intermediate holders in possession as of the talookdars. Rights conceded by the talookdars subsequent to the above date will, however, it is almost necessary to observe, be maintained. It would be better indeed to take the *status quo* in the Fuslee years 1262-63, corresponding with the English years 1854-55, as the basis for the determination of these rights; because a general settlement of the land revenue of Oudh was made during those years, and at the same time arrangements were entered into between the talookdars and the intermediate holders, which are known to have been favourable to the latter, as regards the recognition of their rights, it having been the object of the talookdars, who were then nearly all in a state of chronic rebellion against the Government, to conciliate them and command their services in the field. The terms then concluded gave satisfaction to the under proprietors, who, in disputed cases, appeal to them now; and they have formed the basis on which pottahs have been given for the past two years. Both parties will cheerfully abide by them now, and they should be adhered to with such deviations only as circumstances in any case may render necessary. These will be adverted to hereafter.

3. But the Chief Commissioner does not, on this account, propose to depart from the fundamental principle of the land revenue system of India, that the Government is entitled to a certain portion of the produce of the soil. This right is not the less exercised because Government, for its own convenience, fixes its demand at a proportion of the rental payable by the tillers of the soil, and not of the gross produce of the land, which cannot be conveniently ascertained, and the Chief Commissioner therefore insists on the right of Government to take its share of half (the proportion to which it has limited itself) of the gross rental of the land.

4. If the other course were adopted, if it were resolved first to determine the proportion of the rental payable by the intermediate holders to the talookdar, and to regard so much only as the available assets from which the Government demand (restricted to half) is to be taken; or, in brief, if the limited demand of Government is to depend on the rental receivable by the talookdar, there will be a great and useless sacrifice of revenue, as the sequel will

show. This grave objection would not be remedied by taking a larger proportion than 50 per cent. of the rental received by the talookdar for the Government demand, for no fixed proportion of this sum would be applicable to all villages alike. In some villages intermediate holders intercept much, in others little, and in some no part at all, of the rental; and therefore the Government demand, tested by this standard, would often appear to exceed the proportion of half assets. Such an appearance of excess it is, in the Chief Commissioner's opinion, in the highest degree desirable to avoid, for the principle that half assets constitute the Government demand, has come to be so thoroughly known and appreciated by all classes, who regard it as a sort of pledge given by the Government, that it is of the greatest importance to preserve it from all appearance even of violation. It is a principle, too, conformable to the theory of the native system, according to which 45 per cent. of the rental was left to the talookdars and under proprietors. At the same time they thoroughly recognise the right of the Government to half the gross rental, and admit its claim as paramount to every other.

5. From the very first (*vide* para. 14 of Circular No. 52, dated 12th April 1859) the Chief Commissioner has given the talookdars to understand that where the under proprietors have enjoyed a share of the profits, their income cannot be double the Government jumma. They fully acknowledge the force of this rule, which has been in practice for nearly two years, and own that the liability to satisfy the just claims of the intermediate holders is on them, and not on the Government.

6. The Supreme Government has determined that the broad principle above enunciated, that it is entitled to 50 per cent. of the gross rental of the land, shall be kept steadily in view. It may sometimes be a consequence of adhering to it that the share of the rental of a village left to the talookdars, after deducting the Government demand, is very trifling, because numerous intermediate holders intercept the greater part; but the Government is not, therefore, called upon to surrender any portion of its legitimate demand in favour of the talookdar, for he will make up the deficit from other villages, in which few or no intermediate holders are to be met with, and from the scope afforded for improvement of his property, by bringing the waste and abandoned lands under cultivation.

7. Instances have, indeed, been brought to the Chief Commissioner's notice, where the intermediate holders have never paid the talookdar more, and sometimes not so much, as the present Government demand; and the cause is, not that the demand is high, but because, being of an independent and turbulent character, and of the same family as the talookdar, who is really no more than "*primus inter pares*," they have merely paid the revenue through him. (The Chief Commissioner in these remarks has more particularly in view the Birhur and Kapradah talookahs.)

8. Where, then, such intermediate holders are found to have never paid more than the Government demand, which may be fixed at settlement, on an estimate of the gross rental, the talookdar can be permitted to take that much only from them, plus 5 per cent. If more than this is required to give the talookdar a fair compensation, it may be provided from the Government share. But cases of this kind must be considered special and exceptional, and the reasons for admitting them must be fully explained in the Settlement Record, and reported for sanction. In considering the question of granting such allowance, regard must be had to the aggregate profits derived by a talookdar from his talookah; for, as previously explained, these, though nil on a particular village, may be fully adequate on the whole estate.

9. The same course will be followed if the intermediate holders are found to have paid less than the Government revenue; and instances of this kind do occur in the Fyzabad district. But they will be compelled to pay him henceforth the full demand which he has to render to the Government, plus 5 per cent. The claim of these intermediate proprietors to continue to pay at the former rate, and thus enjoy more than 50 per cent. of the rental, is quite preposterous, for if the talookdars were altogether set aside, and they were admitted to direct engagements with the Government, it would abate not one jot of its legitimate demand in their favour; and this is what actually came to pass in 1856, without any objection being raised by them. They can then have no possible ground of complaint, if they are now made to pay through the talookdar what they would have to pay to Government, if there were no talookdar at all. Their possession of the village lands remains unaffected by this arrangement, and it would be absurd to make them great pecuniary gainers at the cost of Government, by maintaining their subordination to the talookdar.

10. It is true, such villages ought never to have been settled with the talookdar, as he really was no more than a mere Sudder Malgoozar; but he cannot now be deprived of the right of engaging for them against his will. If, however, he does not care to retain them on the terms above explained, he is at liberty to resign them.

11. It has been explained that only the subordinate rights existing in 1855, or subsequently conceded, are now to be recognised and recorded. If, then, those persons who once held an intermediate interest in the land between the talookdar and the ryot are found to have been reduced, prior to annexation, to the position of mere cultivators, they will not be raised from it now. The Chief Commissioner thinks it will be usually found that in a village settled with a talookdar, but occupied by a *ci-devant* proprietary community, the head men of each thoke or puttee (subdivisions of a village) have enjoyed certain rights and advantages

advantages in consideration of their being representatives of the former independent body, and of managing the village for the talookdar. These rights they most likely enjoy in the form of a low rate on their seer land, or some beegrahs held at low rent; and other members of the brotherhood in occupation of the village lands may have been admitted to a share in them. For instance, one of these intermediate holders, instead of paying the talookdar 150 rupees for the land he holds as seer, which is the amount that would be due at ordinary village rates, pays 50 rupees only. That sum will, to speak in a broad sense, be recorded at the settlement as the amount payable by him and his co-sharers for their seer lands to the talookdar. They will thus enjoy 100 rupees of the rental as their intermediate interest. For the other lands, which they hold on the same terms as non-proprietary cultivators, they will pay at the same rate as the latter do. The total amount payable by each man will then be recorded in a specific sum for his entire holding. There may be few or many of these intermediate holders, according as the former proprietary communities are found in different degrees of vitality. But other village occupants, though members of the same brotherhood, if they had ceased, before annexation, to enjoy any similar rights or advantages, will not be admitted to any now.

12. The Chief Commissioner has reason to believe that most members of the brotherhood resident in the villages in 1264 Fuslee were in possession of their rights; and that those who then came forward to claim lost rights had been absent from their villages for years. But many of these latter, and many disbanded sepoys, will now be found in the position of mere cultivators, and such will continue to hold their land at the ordinary village rates.

13. It will be understood that the broad rule in paragraph 13 is open to many exceptions; and that the amount payable by the intermediate holder will often have to be determined with reference to other considerations. If his seer holding has been much augmented since 1262-63 Fuslee, he will be justly liable to enhanced payment. The value of the land may have much altered since that time. If it has been increased by the enterprise of the talookdar, the payment of the intermediate holder should be proportionately raised. If by his own enterprise, then he will enjoy the full benefit of it. Or, the value of the land may have depreciated, in which case readjustment of the amount payable by the intermediate holder will be necessary. Very often the pay of soldiers was given in the form of a reduction on the rent of the village that furnished them. In that case the rent will be liable to enhancement.

14. The heads of the former proprietary body may have held an uninterrupted lease of the entire village ("held it pukka," as the phrase is); paras. 7 to 9 treat of such cases. Those only admitted to a share in the profits arising out of such a lease will be recorded as participating in its advantages. Leases of this kind must be distinguished from mere casual farming leases (Moostagerie) at varying terms. Neither the terms of such a lease current at annexation, nor the lease itself, will necessarily be held binding at this settlement.

15. By para. 4 of the Government letter quoted above, the control of the waste lands within the area of each village on his estate, rests with the talookdar; unless usage has clearly given the liberty of reclamation to the under proprietors. All extensive tracts of jungle have been marked off, and separately disposed of by Government.

16. It is impossible to foresee all the questions of detail that may arise in the course of this settlement. When the deputy commissioner thinks they are not provided for by the general rules laid down, he will refer them. The distribution of pottahs rendered compulsory on all the talookdars by the Chief Commissioner's Circulars, No. 79 of 26th May 1859, and No. 51 of 6th April 1859, will have greatly smoothed the way to a settlement of the rights of the intermediate holders, and the insight which the Deputy Commissioners have acquired into the relations between talookdars and intermediate holders while deciding the many disputes which have arisen out of the grant of pottahs, will facilitate their dealing with any complicated cases that may present themselves.

17. On the subject of birt tenures, which, in a few districts, constitute a peculiar form of intermediate interest in the land, the Chief Commissioner offers the following remarks:—

18. Birts were given for whole mouzahs, or patches of land in mouzahs; the latter will be first adverted to.

19. These tenures, when granted by the talookdar for money received, will be maintained as representing the proprietary rights of the birteeas, who, by purchase, have acquired the position of intermediate holders, and as constituting the portion of the profits left them by the talookdar. But, if given by teecadars to whom the talookdar may have leased the village, the tenures will not be entitled to be maintained, because teecadars had no authority to grant such rights. Birts given by the original zemindars, before the village was incorporated in the talookah, will be upheld, unless the talookdar resumed them prior to 1262-63 F. S.

20. Those birts conferred by favour, or "ryaytte birts," as they are styled in contradistinction to the former or bai birts, are not birts in their essential characteristics, but are identical with the rent-free grants made by the talookdars, and, therefore, liable to resumption by them at regular settlement, when the Government will take its full share of the rental; as has already been explained in para. 14 of the Maafee Rules.

21. Birts of entire mouzahs are very common in Gondah and Goruckpore. They originated in purchases from needy talookdars, and sometimes in clearing leases of jungle land. In the Ootrowla and Bubnee pergunnahs of the Gondah district, the birteeas had been, in many instances, admitted to direct engagements with the native government for years previous to annexation, and of course were settled with them, and should have been at the late summary settlement, on the principle that we are not bound to restore to talookdars what they had lost before our rule commenced.

22. In others, the birteeas held under the talookdar on the terms of their birt pottahs. These generally were, that 10 per cent. or dyhuk, as it was called, on the amount of the pottahs, should be returned to them; that while they held on their pottahs, the entire control of the village rested with them; and if they threw them up, rather than accept enhanced terms, they were entitled to 10 per cent. on the collections. Sometimes the birteea's proprietary profits were shown in holding a portion of the area "nankar."

23. In other instances, the birteeas had been stripped of every vestige of proprietary right; for embarrassed talookdars would sell the birt of a village several times over; and nothing was more common than to see several claimants to the birt of a village, each with his pottah in correct form.

24. Where the birteea has lost possession, there is no more to be said. We are not to restore it to him. But the Chief Commissioner is clearly of opinion, that the birteeas who were found in direct engagement with the state at annexation, or who have uninterruptedly held whole villages on the terms of their pottahs under the talookdars, must be maintained in the full enjoyment of their rights in subordination to the talookdars. It is no argument that the talookdar may not realize more than 10 per cent. above the Government demand; such birt tenures must be considered an intermediate interest between the talookdar and the ryot, and, as such, entitled to be maintained.

25. The meaning of the term "birt," is a "cession." It was the purchase of the proprietary rights subordinate to the talookdar on certain conditions as to payment of rent, which were held to be binding, though, undoubtedly, often violated by superior power. In Goruckpore, the birteeas were generally admitted to direct engagements, though charged with a malikana of 20 per cent. to the talookdar. Here we must deal with the superior party.

26. Instructions are also required regarding the treatment of shunkullup at settlement. Some shunkullup is of much the same nature as birt; and, therefore, will be governed by the same rules. But it differs so far from "bai birt," that is, a condition of the former tenure that the talookdar can redeem it at any time by repaying the purchase money. The option of availing himself of this condition should be afforded him at settlement. Other "shunkullup," that which is styled kooshust, and usually given to Brahmins and Pundits, is a pure macfee tenure given by the talookdar; and will be treated like other rent-free grants by talookdars.

27. The above observations refer to villages settled with talookdars. With regard to zemindars, and all other parties not being talookdars, with whom the summary settlement has been made, the orders of Government, No. 6,268 of 18th October, are, that the late Chief Commissioner's Circular, No. 31, of 28th January 1859 (which declared the settlement with these parties also final and irrevocable), "must not be strictly enforced; and that opportunity must be allowed at the regular settlement to all disappointed claimants, to bring forward their claims; and all such claims must be heard and disposed of in the usual manner." These instructions are too clear to need comment. All who are not talookdars will be known by their not having received sunnuds. To all lands held by such persons, claims must be heard, whether they were brought forward at the late settlement or not; for many had not the opportunity of appearing then. Regarding claims resting on mortgages, detailed instructions have already been given. All other claims will come under the provisions of Clause 12, Session I, of Act XIV of 1859, prescribing 12 years as the period of limitation to suits for rights in land, to be computed back from the date of settlement of the village in 1858-59, if the claim was made then; and, if not, from any subsequent date on which it was preferred, up to the time the cause of action arose, which will be the date of dispossession. Possession given at the settlement in 1264 fuslee will not bar adverse claims, for that was but a summary settlement; nor will it be allowed to extend the period of limitation. This rule will apply to all claims to land, whether to whole villages, or fractional interests or specific portions (puttees).

28. Decisions passed prior to the mutiny on the civil side of the Revenue Courts, in suits arising out of claims of equal interests to rights in land, will be respected at regular settlement, if they had been upheld on appeal by a Commissioner, but not otherwise, if now objected to; in which case the decision is open to review, as it is a reasonable inference that the decisions of a Deputy Commissioner would have been appealed, but for the breaking out of the mutiny, and might have been reversed.

29. The Chief Commissioner has determined to make no distinction in the records between cultivators at fixed rates and cultivators at will. Abstractedly viewed, he considers that to give a title of permanent occupancy at an unvarying rent to the tiller of the soil, is an invasion of the rights of property, and a clog on enterprise and improvement. It must be shown that nothing less will suffice to guard the ryot from exaction, to justify such a measure.

measure. There is not the slightest possibility of this result happening in Oudh; consequently, the measure is utterly unsuited to the province. In three-fourths of Oudh there is a deficiency of cultivators. They are so valuable that no landlord would seek to dispossess a good one; and a bad one he would be free to get rid of. Even in those parts where the population is more abundant, no symptom that the cultivator needs protection has been manifested. The question has not been stirred by the cultivators themselves. To create an element of present discord in order to provide against a contingency that cannot possibly occur for the next 30 years throughout three parts of the Province, or for seven or eight years to come, at least, in the remaining fourth, would demonstrate a wanton spirit of meddling. The abandoned and waste lands of Oudh will furnish occupation to any number of cultivators for many years to come; and if increase of population in the already thickly populated districts of the south-east of Oudh should eventually have the effect of driving cultivators across the Gogra, it would be the greatest benefit that could be conferred in the Province. It may further be observed, that the extension of the system of granting pottahs down to every one who holds land of another, which the Chief Commissioner has directed, will afford ample protection to every cultivator.

30. For villages held by zemindars, or independent proprietary communities in direct engagement with the Government, khewuts will be prepared in the manner prescribed in directions for settlement officers. They are not required for talookdary villages, as the khuteonees will show the rights and liabilities of the intermediate holders.

31. The rights of intermediate holders, &c., having been determined under the instructions above given, they should be recorded in the Wagib-ool-urz; which should be prepared in accordance with the rules given in para. 167 of the directions to settlement officers.

From *A. R. Young*, Esq., Secretary to the Government of India, Foreign Department, to *C. J. Wingfield*, Esq., C.B., Chief Commissioner of Oudh (No. 74); dated 8 January 1861.

I HAVE the honour to acknowledge the receipt of your Officiating Secretary's letter (No. 3203), dated 7th September last, forwarding a copy of the instructions which you propose to issue to officers entrusted with the regular settlement of Oude.

2. The instructions appear to the Governor General to be generally very just and proper, and to be framed in accordance with the views which the Government have already expressed. There are a few points, however, which require remark and some modification.

3. The Governor General observes that when the Government has laid down the liberal and broad principle that it is entitled to 50 per cent. of the gross rental of the land, a due regard for the public finances requires that this principle should be firmly adhered to, and that no part of the Government right thus defined should be sacrificed either to the claims of intermediate holders to a share of the rental or to the claims of cultivators to hold lands at rates lower than those at which those lands may fairly be assessed. The assessment should be as liberal and fair as possible, but it should fall alike upon all, and not be reduced in compliance with claims for abatement founded on custom or other special ground. And when the gross rental has been assessed, one-half should be taken as the Government revenue and the remainder should be devoted to the payment of the expenses of collection, and to the satisfaction of the claim of the talookdar, and of the intermediate holders, where such exist.

4. This, the Governor General thinks, should be the guiding rule. There may be exceptions to it, but they should be rare and only admitted for special reasons, to be recorded on the Settlement Proceedings.

5. With reference to the 4th paragraph of the instructions under the head of assessments, the Governor General observes that the assets existing at the time of settlement should be taken as the basis of the Government demand, and that no enhancement of the demand should be made on account of uncultivated lands which may probably be brought into cultivation during the period of the settlement. A large proportion of uncultivated land is a reason for not making a long settlement, but it is no reason for imposing a demand which the existing assets are unable to meet. The larger the proportion of uncultivated land the greater is the expense and difficulty of bringing any given area of it into cultivation,

vation, and the greater the degree of encouragement required. The Governor General desires that all lands in a village uncultivated at the time of settlement shall be free from all demand on account of Government during the whole period of the settlement, the whole profits arising from the clearance of waste land during that period being left to those who are chiefly interested in effecting it. The Government will reap the fruits of this liberal policy at the next settlement.

6.* With reference to the 6th paragraph of the instructions upon assessments, the Governor General observes that the high rents paid for the best lands when cultivated with artificial crops, such as sugarcane, poppy, cotton, or tobacco, ought not to be taken into calculation. The rates of rent to be assumed for such lands as the basis of a Government settlement are the rates of rent which would be paid for them if they were cultivated with ordinary grain crops. A field which in one year, when cultivated with poppy, pays a rent of 10 rupees will, in the following year, if cultivated with wheat, pay a rent of 5 rupees.

7. With reference to paragraph 5 of the instructions on the Record of Rights, the Governor General desires that care may be taken not to allow intermediate holders to absorb an undue share of the rental of an estate to the prejudice of the Government revenue. As a general rule, the principle that the Government is entitled to 50 per cent. of the gross rental, should be observed and acted up to; and out of the remaining 50 per cent. should be defrayed the village expenses and the shares of the rent to which the talookdars and the intermediate holders are respectively entitled. The important object is to fix these shares precisely in accordance with former custom and a fair consideration of the rights of all parties, so that the talookdar may not be able to exact from the inferior holders a larger share of the rent than he is entitled to, after paying the Government revenue. But it is only in rare instances, as, for example, where the inferior tenure is of ancient date, and has long enjoyed, by prescriptive right, so large a proportion of the rent as would leave the talookdar an insufficient margin, that any sacrifice of the Government share of the rental can be permitted. It should be a general rule that inferior holders should not pay to the talookdar less than the Government share of the gross rental, namely, 50 per cent.; and where they have heretofore paid less, they should now ordinarily be required to pay to the talookdar the full amount plus, at least, 5 per cent., as the talookdar's share of the rental. If, in special cases, more than this is required to give the talookdars a fair compensation, it may be made good from the Government share; but such cases may be very special and exceptional, and the reasons for admitting them should be fully explained in the Settlement Record.

8. The Governor General approves generally of your instruction (para. 31, Record of Rights), to make no distinction between cultivators on fixed rates of occupancy and cultivators at will.

9. As regards the term of the regular settlement, the Governor General will await (as has already been intimated to you), the expression of the opinion which you may form after your cold weather tour shall have been concluded.

From *C. Currie*, Esq., Officiating Secretary to the Chief Commissioner of Oude, to the Secretary, Government of India, Foreign Department, with the Governor General (No. 403); dated 4 February 1861.

I HAVE the honour, by direction of the Chief Commissioner, to acknowledge the receipt of your letter, No. 74, dated 8th ultimo, communicating the orders of his Excellency the Governor General on the Chief Commissioner's proposed instructions for the guidance of officers entrusted with the regular settlement.

2. In reply, I am desired to state, for the information of his Excellency the Governor General, that the Chief Commissioner has made the necessary modifications in the circular relative to Record of Rights, so as to bring it into strict conformity with the orders of his Excellency; but before giving effect to the views expressed in paras. 5 and 6 of the letter regarding the mode of assessment, the Chief Commissioner begs to be permitted to give his opinion, which is founded

founded on the observation and experience of 20 years, for he thinks he should fail in his duty if he did not attempt to avert a course that he believes is not calculated to conduce to the end desired, but on the contrary, to be prejudicial to the best interests of the people and of the Government.

3. The rule therein laid down, that the assets existing at the time of settlement, shall alone be taken as the basis of the Government demand, and that all non-cultivated land in a village shall be free from all demand on account of Government during the period of settlement, is entirely opposed to the revenue theory and practice of the North-Western Provinces and the Punjab. The rule in conducting the settlement of the land revenue in those provinces has ever been and is still to take into consideration the average assets that may reasonably be expected to accrue, and therefore particularly to have regard to the probability of increased income from fallow and waste land. The directions to settlement officers, written by the late Mr. Thomason, which is the text book of all revenue officers, abound with injunctions on this head.

4. A large proportion of uncultivated land has always appeared to the Chief Commissioner the most cogent reason for making long settlement. A long tenure appears to him an indispensable condition to bringing the waste and abandoned land into cultivation. The people must feel the confidence that a long title alone can give, that they will reap the fruits of their labour and enterprise before they will be induced to extend and improve the cultivation. This condition is more than ever indispensable if the Government demand is restricted to half the existing assets at settlement.

5. A very light assessment, of course, conduces to the extension of cultivation, provided always it be fixed for a long term of years. The districts of Bengal lying under the hills are an example of the truth of this remark, but no one supposes that there would have been anything like the progress that has taken place in them if the settlement had been made for periods of 10 or 15 years. If, then, the Chief Commissioner looked only to the interests of his province, and disregarded the Imperial finances, he would have no objection to urge against the rule laid down in the Government letter, provided a long term of settlement were made the necessary consequence of a very moderate demand.

6. But it is positively certain that when it comes to be understood by the people that the Government demand is to be based on the existing assets, and that the settlement is to last for a short period only, no effort will be made during its currency to extend cultivation. On the contrary, there will be a settled resolve to restrict it, in order to secure a light assessment at the next settlement, which will be so close at hand, and which the people will very likely expect to be made for a longer term. To keep down the Government demand will be the thought uppermost in the minds of all.

7. This feeling was exhibited in the settlement of the North-Western Provinces between the years 1830 and 1840. The people threw the land out of cultivation and filled up wells. Symptoms of it have already manifested themselves in the districts of Oude, in which settlement operations have been commenced. The arguments used by the Chief Commissioner to counteract its effects, are the very reverse of the practice enjoined by the Government orders.

8. The only argument the Chief Commissioner has heard adduced in favour of short settlements, appears to him to have little force. If, say its supporters, the assessment is found too heavy, it can be reduced on the expiration of its term; and if, on the other hand, the settlement works well, its term can be extended. The Chief Commissioner's answer is, that if a settlement is found to be too heavy, it must be lowered as soon as possible, irrespective of its term. It cannot be allowed to continue for five years without risking the permanent deterioration of the estate. But since the Government has authoritatively repudiated the principle of taking two-thirds of the assets on which the early settlements in the North-Western Provinces were based, and has adopted the liberal one of confining its demand to one-half, no excuse is left for over assessment. If, however, as is far more probable, the settlement has to be extended for another 10 years, it should have been made 20 years in the first instance, or you have a long term of settlement without any of its benefits, for the knowledge that its continuance

is not guaranteed, will operate as a check on increased production. The people knowing that the extension of the settlement is at the pleasure of the Government, will doubt its continuance without an enhancement of the demand.

9. A newly acquired province like Oude, which has for years been distracted by civil wars and misrule, no doubt requires breathing time to recover its natural position and encourage the population to betake themselves to peaceful pursuits. This time Oude will have had in the present summary settlement; all that it now requires is the confidence and security that a long title and a fixed demand alone can give.

10. A long term of settlement, where there is a large proportion of uncultivated land, does, then, appear to the Chief Commissioner to be an absolute necessity, if an improved revenue at future settlements is looked for, and this point admitted, the next question is whether a demand, based on assets that may fairly be expected and on reasonable probabilities (that is to say, on more than half the rental of the land actually under cultivation, but not on more than half what the rental of the village may fairly be expected to amount to on an average of the term of settlement), is not more likely to stimulate energy and lead to the reclamation of fallow and waste land, than a demand based on existing assets which can be paid without the faintest effort.

11. The Chief Commissioner believes that the answer to this question must be in the affirmative. Experience has convinced him that where the means of largely increasing the assets are available to ordinary industry and enterprise, a demand calculated on the principle above explained offers rather an incentive to the development of the productive resources of the land. Many instances can be adduced to prove the truth of this remark. It is notorious that rent-free villages are worse cultivated than revenue-paying ones, because the stimulus to exertion is wanting. The Chief Commissioner has often known the incomes of ex-maafedars improve by their tenures being assessed. The demand of Government at the settlement in the North-Western Provinces was professedly two-thirds, not of existing, but of prospective assets, and yet there is not a district in the North Western Provinces containing much waste land in which, thanks to a 30 years' term of settlement, there has not been an enormous increase of cultivation. Goruckpore perhaps affords the most remarkable instance in point. It is expected that the revised settlement of that district now in progress will yield an addition of 7 lakhs (or nearly 33 per cent.) to the former revenue; such a result could never have been attained if the settlement had been twice renewed since 1830. Though the assessment had been far lighter than that imposed then, the Chief Commissioner believes it holds good as a rule that, high as the demand was, in no parts of the North-Western Provinces, which contained much waste land, has the settlement been found heavy.

12. Of course discrimination and caution must be exercised by the settlement officers in reckoning on future assets. He must dismiss from his mind all speculative grounds of calculation, but there will generally remain plain and self-evident data on which to base it. Where cultivators are scarce, for instance, and the waste is difficult of reclamation, he will hardly take these sources of eventual profit into calculation at all; but where the waste is simply long-neglected fallow, and only needs a plough being drawn through it to make it yield a far richer crop than most land in the village, where cultivators are easily procurable, and the means of irrigation from jheels and rivers are close at hand, he should give due weight to these circumstances. Indeed it often happens that on the banks of great rivers, or in the vicinity of large European stations, a better return is derived from the spontaneous produce of the waste land than from any species of cultivation to which it might be applied. It will hardly be maintained that such uncultivated land should be free from all demand on the part of Government.

13. In this province there is an enormous quantity of land known by the conventional term of abandoned, which was thrown out of cultivation between 10 and 20 years ago by the tyranny and exactions of the Nazims and the consequent flight of the population. These lands have not become overgrown with jungle and relapsed into a state of nature. They are overspread with a fine grass that can be got rid of by burning. The owners, if secure of a long lease, are ready to bring these tracts again under cultivation. The districts

north

north and east of Oude abound with these tracts. One estate is estimated by the owner to contain about 60,000 acres of this abandoned land. To the Chief Commissioner it appears that in Oude more than in any other province is a long term of settlement required.

14. It is hardly necessary for the Chief Commissioner to deprecate the immediate sacrifice of revenue that will ensue from the adoption of the rule laid down in the Government letter when he has expressed his conviction that this sacrifice will not be compensated by future increase; but that, on the contrary, if coupled with the short duration of the settlement, it will prove the surest way of preventing any increase. No person in the position of the Chief Commissioner would be so short sighted as to wish to screw up the revenue at the risk of impoverishing his province; but the Chief Commissioner is convinced that a due regard to the pecuniary interests of Government is quite compatible with the growing prosperity of the province and with a vast increase of agricultural wealth.

15. Having been obliged to express his views at such length on the subject of settlements in the course of this letter, the Chief Commissioner deems this the fittest opportunity of answering the question put in your letter (No. 2015), dated 16th June, in regard to the duration of the approaching settlement. He will merely observe that he would not recommend a less period than 20 years in any district; while in the districts of Baraich, Gonda, and Mohumdee he would prolong it 30 years. His reasons with respect to these districts have already been given; and if in the better cultivated and thickly peopled districts of the south-east and centre of Oudè no such very great addition to the revenue can be looked for at a subsequent settlement, the Chief Commissioner can yet see no advantage in fixing a short term. Besides the want of confidence and of security induced by short settlements (on which the Chief Commissioner has previously dilated) he thinks that the expense and labour entailed by frequent revisions of settlement are an evil of no small-magnitude. The settlement of the North-Western Provinces has scarcely ended when it has begun again. In fact, our officers cannot settle fast enough, and this work is, in addition to their regular duties in the administration of justice, and the collection of the revenue, which are not likely to become less onerous in the future.

16. With reference also to the orders conveyed in the 6th paragraph of your letter, the Chief Commissioner begs to be allowed to observe that it seems to him absolutely necessary to take the finer classes of crops into consideration, if the assessment is to have any pretensions to equality, and if it is to be based on the qualities and productiveness of the soil. To say that land produces tobacco, sugar, and opium is synonymous with saying that it is the best land in the village, its extraordinary fertility being due to high farming and the advantages of situation, as well as to its inherent excellence; and to say that no higher rate of rent should be assumed for such land than for land never bearing a more valuable crop than wheat, would be to say that the best land should be rated no higher than ordinary land. It is true that the field which in one year is cultivated with sugar or poppy may next year be cultivated with wheat, but a certain proportion of the area of the land capable of growing these more valuable crops will always be appropriated to their production; and it is not a difficult task for the settlement officer to determine the average area so cultivated.

17. In no village that the Chief Commissioner has ever heard of are these sources of receipt entirely confined to a single year; and the superior character of the soil which admits of a more remunerative village is surely an element to be considered in fixing the demand. If the settlement officer is not to take the nature of the crop grown into consideration Government does not get its fair share of the produce of the land, which is the principle on which our revenue system is founded. The quality of the soil is not alone a sufficient guide, for the crops that can be raised on land is as frequently the measure of the rent as the quality of the soil. No zemindar would let the best village land to a cultivator who would not undertake to grow the best crops on it according to established rotation; and a cultivator who takes such land on lease for a term of years pays a much higher rent for it than he could pay if he only intended to grow wheat on it. The settlement officers, therefore, cannot err in assuming that a certain portion of such land always bears the most valuable crops and in fixing his rent rates accordingly.

From Colonel *H. M. Durand*, Officiating Secretary to the Government of India, Foreign Department, to the Officiating Chief Commissioner of Oude (No. 118); dated 5 March 1862.

THE Governor General in Council directs me to communicate to you the following observations and instructions in reply to your Secretary's Letter, No. 403, dated 4th February 1861.

2. The Governor General in Council quite agrees with Mr. Wingfield in deprecating short settlements, and would make no difference in the period of settlement, provided it be terminable, on account of a large proportion of culturable land being waste. But the Governor General in Council objects altogether to the principle of progressive jummahs. The possible intermediate increase of revenue to Government is a matter of small consequence when the discouragement to the clearance of land which such a settlement would offer is taken into consideration.

3. His Excellency in Council would not make the settlement in any part of Oude for a shorter period than 30 years. The question of the revenue settlement in Oude, however, has undergone a change since the date of the letter under reply, and the Governor General in Council requests that you will report to Government the result of the observations which the Governor General requested you to make during your recent tour as to the present applicability of a permanent settlement to certain parts of Oude. In the meantime, as you have been informed in my letter, No. 116, of this date, the survey, more especially in the country west of the Gogra, should be pushed forward.

4. With reference to the 16th and 17th paragraphs of Mr. Currie's letter, the Governor General in Council adheres to the instructions given to the Chief Commissioner in Mr. Young's letter, No. 74, dated 8th January 1861. The Government ought certainly not to derive revenue from improvements in the capability of the land, which are "due to high farming," while advantages of situation and inherent excellence of soil tell upon ordinary rents as well as upon those derived from the cultivation of artificial and valuable products. Mr. Wingfield was not told "that no higher rate of rent should be assumed for such land (*i. e.*, tobacco, sugar, and poppy lands) than for land never bearing a more valuable crop than wheat," but he was told that "the rates of rent to be assumed for such lands as the basis of a Government settlement are the rates of rent which would be paid for them if they were cultivated with ordinary grain crops." If the Government desire to derive a special revenue from opium, sugar, cotton, or tobacco, it can do so otherwise than by an augmentation of the land revenue demand on account of the lands on which these products are grown. On the other hand, there is no certainty that lands cultivated for these artificial crops at the time of settlement will continue to be devoted to the same purpose, and, if they are succeeded by ordinary crops, the settlement must break down.

EXTRACTS FROM OUDE ADMINISTRATION REPORT, 1861-62.

Regular revenue suits.

53. These suits were referred to in paragraph 84 of last year's Report, and the principle therein enumerated of postponing till regular settlement all cases in which final orders could not be passed without probable injury to the rights of others, and generally all cases in which no hardship would be entailed by delay, has been steadily adhered to. Notwithstanding this restriction, these cases have been rather numerous, no fewer than 1,832 having been instituted within the year. These suits have been chiefly claims to villages or shares of villages, and for payment of rent of previous years. In some districts claims between persons of equal interests for groves or their produce have been very numerous. Claims for redemption of mortgage have generally been postponed till settlement. Claimants are invariably furnished with a copy of the order referring them to settlement, and the term of limitation is counted back from the date of passing it. Full instructions regarding the constitution, jurisdiction, and procedure of the Revenue Courts in the disposal of these suits were issued; *vide* Appendix U 2.*

* See page 51.

Some difference of opinion has arisen on the question of jurisdiction in certain

tain classes of these cases, the Judicial Commissioner holding that they are properly cognizable by the Civil Courts, and the matter has been referred for the orders of Government.

The general principles on which the record of rights was to be prepared and assessments made, were briefly noted in last year's Report. Regular settle-
ment.

Detailed instructions were subsequently issued regarding the preparation of village statements, and the mode of calculating the assessments and rulings given on many difficult questions which had arisen, and were submitted for the officiating Chief Commissioner's orders.

Rules were also laid down for the disposal of claims of parties alleging themselves to be owners of villages and formerly paying revenue direct to Govern- ment, but now included in a talooka, and of parties who, as ex-proprietors or descendants of former proprietors, held land at favourable rates, and the manner in which such persons and their tenures should be recorded. The settlement operations were at first confined to the districts of Pertabghur and Oonao; lately the field survey was extended to Lucknow and Roy Bareilly, but no rights were investigated in these districts.

In Oonao and Pertabghur considerable progress has been made in the inves- tigation of claims to settlement, shares of villages, and under proprietary rights; and in Oonao the Deputy Commissioner has completed (though not given out) the assessment of 368 villages at 3,72,314 rupees, being a decrease of 14,661 rupees, or less than 4 per cent. on the old juma. This result is much more favourable than was expected, as the district was universally considered to be greatly over-assessed, and a heavier reduction was thought possible.

In Pertabghur the Deputy Commissioner has not finally assessed any estates, but has taken several villages from different parts of pergunnahs, and has closely compared rates and soils, and made calculations to prepare for the coming assess- ment. From the inquiries made, he believes that the result of the revision of settlement will be an increase in the Government revenue of 10 to 15 per cent. The increase in this case was expected as well as the decrease in the other, as the Baiswarra Division is notoriously under-assessed.

The progress made in the survey will be given under that Section.

Annexed is a Return showing the progress made in the interior measurements and compilation of preliminary records:—

DISTRICTS.	Pergunnahs.	NUMBER OF MOUZAHS OF WHICH				
		Number of Mouzahs in the District or in Tehsils under Survey.	Khura and Shujrah are completed.	Khura and Shujrah are unfinished.	Khutteeree and Jumabun- dee are completed.	Khutteeree and Jumabun- dee unfinished.
Oonao - - - -	18	1,199	1,177	21	495	704
Pertabghur - - - -	8	2,120	1,734	386	474	1,646
Roy Bareilly - - - -	2	922	83	839	-	922
Lucknow - - - -	4	355	81	57	-	138
TOTAL - - - -	32	4,596	3,075	1,303	969	3,410

SECTION X.—POLITICAL.

75. The Province has remained perfectly tranquil, and nothing has occurred during the year to excite the public mind or disturb the political atmosphere. The most interesting event was Lord Canning's last visit to Lucknow, which took place in November last. The immediate object of the visit was to receive an address from the British Indian Association of Oudh on the question of female infanticide

infanticide which prevails to some extent, chiefly among the Rajpoot clans. The talookdars had been some time in deliberation on the subject, and had drawn up certain rules for the suppression of this cruel and inhuman practice. These rules were laid before his Excellency; the most important was, that "every talookdar should take a solemn covenant from his tenants, binding them never to commit or countenance, directly or indirectly, female infanticide in anywise whatever, and that, in the event of any one violating the covenant, be his rank or condition in life what it may, he shall forthwith be handed over to the laws, and excommunicated for ever from the pale of Hindoo society as a felon and an outlaw."

A durbar was held at Lucknow on the 5th November, and an address bearing the signatures of about 200 talookdars was presented and read by Colonel Durand, Secretary to Government in the Foreign Department; *vide* printed Report of British Indian Association for 1861. The Governor General, in his reply to the address, approved generally of the measures proposed, but warned the meeting that "in accepting an aid beside and beyond the law, there was no compromise on the part of Government with so hateful a crime, and that if the result of the efforts of the association should not equal their expectations, or should be tardy in showing itself, the law would not be allowed to sleep, but would be enforced to the utmost power of Government, regardless of everything but the utter suppression of the abomination."

The rules with unimportant modifications have been introduced, and up to this time upwards of 55,000 persons have signed the covenant. It would be premature as yet to offer any opinion on the result of the measure, but it is certainly well meant, highly creditable to the talookdars of Oudh, and apparently well calculated to promote the object in view.

The distinguishing feature of the Oudh policy, which was prominently alluded to last year, is the experiment of associating the great landholders and native gentlemen of mark with the officers of Government in the administration of the Province.

As the measure is one of very great importance, and as it is known that some diversity of opinion prevails on the subject, the officiating Chief Commissioner has deemed it advisable to transcribe the reports of all Commissioners in full, with the view of making known the views of the most experienced officers of the Commission on the general working of the system. The Judicial Commissioner has recorded his opinion at considerable length in the 99th and subsequent paragraphs of his Report already submitted to Government.

Colonel Abbott, Commissioner of Lucknow, reports—"There are few extensive talookdaree holdings, but the result I consider to be highly satisfactory: 621 cases, criminal, civil, and revenue, were disposed of by them; 59 were heard in appeal or reviewed, of which only 16 were interfered with.

"Chowdree Gopal Singh, talookdar of Bangermow, in the Oonao district, disposed of more than two-thirds of this work himself, and is deserving of the Chief Commissioner's especial and favourable notice. His powers are not confined to his own talooka, but he has had made over to him the entire pergunnah of Bangermow." The Assistant Commissioner says, and I agree with him, that "the general fairness of his decisions, the easy access to redress in his court, have made his administration popular and successful.

"His cases have been well reviewed, and I think it most encouraging to find a native gentleman unremunerated entering into the administration of the country thus *con amore* with such excellent results.

"None of the other talookdars come any way near him in the amount of work disposed of, but they have all done their little satisfactorily. There is an inclination, I have observed, to be too lenient in criminal cases; but this might be expected."

EXTRACT from Report of Mr. Simson, Commissioner of Fyzabad.

"Para. 85.—In the Criminal Department, in the Fyzabad district, it has rather decreased, with the exception only of Rajah Roostum Shah's, for Rajah Madho Pertab Singh received criminal powers only from the commencement of the year. Their decisions have continued to give satisfaction; only two appeals were preferred, and the original order was maintained in both. It was necessary, however,

ever, to bring to your notice a case of Rajah Roostum Shah, in which he allowed very great delay and other grave errors in procedure to occur, and the caution which was then administered will not be without its effect.

"86.—The work done in the Civil Department has been nominal; but a beginning has been made by Meer Baquir Hoo-sein and Rajah Roostum Shah, and in time I trust the Honorary Assistants will appreciate these powers also.

"87.—But by far the largest proportion of cases has been decided on the revenue side, and the number has considerably increased since last year. The total, I must note, however, includes the miscellaneous cases as well, which is very embarrassing. It were easy to separate the miscellaneous cases from the summary suits, but among the former I find such important cases as those for 'adjustment of rents,' as well as 'applications for copies,' and such like orders of course, and I am not at present in a position to distinguish the real case work.

"88.—The number of cases decided by Maharajah Maun Singh continues by far the most numerous, and his decisions again present the salient points well chosen for remark in last year's report; the appeals are few, but the proportion of reversals is very high. The Maharajah continues to discharge these duties with the 'acuteness' and ability for which he is distinguished.

"89.—Meer Baquir Hoo-sein is again next in order, and in some points of view his work comes out better than the Maharajah's. The ratio of suits appealed is very low, and only one of his orders was interfered with.

"90.—Rajahs Roostum Shah and Madho Pertab Singh, though inclined to be dilatory, have acquitted themselves fairly.

"91.—Two talookdars, the Maharajah of Bulrampore and Sheo Bahadoor Singh of Kumyar, are invested with powers, but the latter has not yet commenced to try any suits. The former has decided a fair number of criminal and a few revenue cases in a very satisfactory manner, and continues to deserve the high opinion I have uniformly had to express regarding him both as an Honorary Assistant and a landlord.

"92. Sirdar Bikrumma Singh has been non-resident in Baraitch for the greater part of the year. Nisar Ally Khan, who is the son of the loyal Kuzzilbash, on whom the estate was conferred by Government, has received powers during the year, and though he is more inexperienced as regards our laws and systems than I anticipated, he has begun well. He is well read in Persian, is a fair English scholar, and takes a pride in possessing these powers; and being an energetic man and very well affected towards Government, I doubt not that, in the words of Major Steel, he will in time 'become a valuable aid to the district officer.'

"92½. In fine, I consider that the measure of entrusting these gentlemen with powers, continues to produce, on the whole, very satisfactory results; while, at the same time, I have seen further reason to maintain the opinion I have already expressed 'that their position in certain classes of cases makes impartiality on their part very difficult.' With the Chief Commissioner's sanction, they have been cautioned against entertaining suits in which their servants are personally interested, and if it were also distinctly ruled that they are debarred from hearing cases regarding the adjustment of cultivators' rent in which they are personally interested, in contradistinction to those in which a pookladar or *bona fide* thakadar is the real plaintiff, I think the risk of partiality would be very much reduced.

"93. Full advantage has been taken by Captain Reid in the Fyzabad district of the Chief Commissioner's recommendation to refer to talookdars not invested with powers all fitting cases connected with their estates, and no less than 115 cases are reported as having been satisfactorily disposed of in this way. It cannot be doubted that much useful assistance may be obtained by the Deputy Commissioner by adopting this course if the plan is carried out with tact and judgment; but the cases referred must never be lost sight of, and a date before which the plaintiff is to be satisfied on the petition returned with a report should invariably be fixed, else plaintiffs are apt to be worn out by delay, and other irregularities to occur."

EXTRACT from Report of Mr. *Tucker*, Commissioner of Baiswarra.

"Para. 69. The talookdars have generally performed their criminal work satisfactorily throughout the year. A great deal of their work is performed in a patriarchal way, and is not reduced to writing.

"70. Their revenue work should, in my opinion, be performed in an unofficial manner. No man sitting on the bench should decide his own cause.

"71. I take the opportunity of bringing to the notice of the Chief Commissioner the valuable services of Major Orr. Of the native Honorary Assistant Commissioners Rana Shunkur Buksh Singh still holds the first place. The Deputy Commissioner brings to notice also the services of Lall Sheopall Singh, the son and heir of the loyal old Rajah of Morarmow.

"72. I expect much assistance in the trial of sessions cases from Shahzadah Sahdeo Singh; from Baboo Ajeet Singh of Tirowl; Baboo Surubjeet Singh of Tekaree; Baboo Thakoor Pershaud Singh of Tiloe; Rajah Humvunt Singh of Kalakankur; and Baboo Ajeet Singh, the uncle of the Rajah of Pertabghur."

EXTRACT from Report of Colonel *J. Clarke*, Commissioner of Khyrabad.

Mirza Shumshere
Bahadoor.
Mirza Aga Jan.
Banee Singh.
Thakoor Sheo Buksh
Singh.
Thakoor Jowahir Singh.
Thakoor Gooman
Singh.
Mirza Ahmed Beg.

"Para. 82. The Deputy Commissioner of Seetapore considers the progress made by these gentlemen in the highest degree creditable to them; he has examined many cases. He says, 'The criminal convictions are double the acquittals, decrees for plaintiffs are six times the decrees for defendants in civil suits, and 17 times in revenue suits.' He also says, after remarking that people go into talookdars' courts when they have a reasonable case to go on, 'It has been argued that suitors are deterred from appealing by fear of the talookdars' displeasure; but I think this argument is not tenable in the face of the countless instances in which men do complain against their talookdars in other than judicial cases.'

"83. The Deputy Commissioner thinks, where all have done so well, it is invidious to praise a particular officer. Shumshere Bahadoor has done the most work. I consider Aga Jan deserving of commendation.

"84. The very indiscreet conduct of Thakoor Sheo Buksh Singh of Kutesur to the police, in a case where his interests were concerned, has been laid before the Chief Commissioner.

"85. I transcribe the 16th paragraph of the report of the Deputy Commissioner of Hurdui: '236 cases were decided by Honorary Assistant Commissioners; the greater share of work fell upon Syud Mahomed Ushruf and Shumshere Bahadoor, the former having decided 73 and the latter 49 cases. Thakoor Lall Singh disposed of only four cases during the whole year. I examined a great number of the cases prepared by these gentlemen: the result was very creditable to them; only five cases were appealed, four from the decision of Mahomed Ushruff, and one from the decision of Chowdry Hushmut Ally. The decisions were all confirmed, except in one case, in which the order of Mahomed Ushruff was set aside. I beg particularly to bring to your notice the names of the following gentlemen who have distinguished themselves during the year:—Rajah Hurdeo Buksh, Shumshere Bahadoor, Fuzl Russool, and Syed Mahomed Ushruff.'

"86. Mr. Ross commends Rajah Unroodh Singh of Oel and Rajah Gunga Singh of Bhoor, and I concur in thinking these gentlemen most excellent examples of their class. Mr. Ross thinks care should be taken not to hamper the Honorary Assistant Commissioners too much with our rules and forms; this is the opinion I last year expressed."

A statement of cases decided by Honorary Assistants is appended.

STATEMENT of CASES tried by Honorary Assistant Commissioners.

NAMES OF TALOOKDARS.	Number of Cases			NUMBER OF DECISIONS.									Number of Cases pending.	Percentage of Appeals.
	decided.			Appealed.			Confirmed.			Revised.				
	Criminal.	Civil.	Revenue.	Criminal.	Civil.	Revenue.	Criminal.	Civil.	Revenue.	Criminal.	Civil.	Revenue.		
Mirza Shumshere Bahadoor	30	37	73	2	-	-	1	-	-	1	-	-	-	1.43
Mirza Aga Jan	13	4	3	-	-	-	-	-	-	-	-	-	-	-
Banee Singh	-	1	2	-	-	-	-	-	-	-	-	-	-	-
Thakoor Sheo Buksh Singh	24	-	-	1	-	-	-	-	-	1	-	-	-	4.16
Thakoor Jawahir Singh	8	-	1	1	-	-	-	-	-	1	-	-	-	11.11
Thakoor Gooman Singh	-	-	18	-	-	-	-	-	-	-	-	-	-	-
Mirza Ahmed Beg	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Rajah Hurdeo Buksh	17	2	2	-	-	-	-	-	-	-	-	-	-	-
Syud Mahomed Ushruff	53	16	23	2	-	2	1	-	2	1	-	-	-	4.35
Chowdree Hushmut Ally	14	10	12	-	-	1	-	-	1	-	-	-	-	2.77
Moonshee Fuzl Russool	16	5	4	1	1	-	1	1	-	-	-	-	-	8.00
Rundneer Singh	4	2	3	-	-	-	-	-	-	-	-	-	-	-
Thakoor Barut Singh	1	4	14	-	-	-	-	-	-	-	-	-	-	-
Thakoor Lall Singh	-	-	3	-	-	-	-	-	-	-	-	-	-	-
Captain J. Hearsey	1	2	-	-	-	-	-	-	-	-	-	-	-	-
Rajah Unroodh Singh	14	54	2	-	-	1	-	-	-	-	-	1	-	1.43
Rajah Gunga Singh.	5	4	3	-	-	-	-	-	-	-	-	-	-	-
Major A. P. Orr	33	-	100	2	-	9	1	-	6	1	-	3	-	8.27
Captain W. Bunbury	1	-	2	-	-	-	-	-	-	-	-	-	-	-
Rana Shunker Buksh	52	2	85	3	-	12	3	-	7	-	-	5	-	10.79
Lal Sheopal Singh	22	-	3	-	-	2	-	-	2	-	-	-	-	8.00
Chowdree Surfraz Ahmed	28	1	5	-	-	-	-	-	-	-	-	-	-	-
Baboo Lukhinanjan	6	-	3	-	-	-	-	-	-	-	-	-	-	-
Rajah Madho Singh Bahadoor	50	5	68	2	-	18	-	-	5	2	-	13	-	16.26
Rajah Juggal Singh	74	5	35	-	-	-	-	-	-	-	-	-	-	-
Baboo Mado Pertab Singh	21	-	73	-	-	1	-	-	-	-	-	1	-	1.06
Roostum Shah Bahadoor	19	2	48	1	-	4	-	-	3	1	-	1	-	7.24
Baboo Surrujjeet Singh	17	-	5	-	-	-	-	-	-	-	-	-	-	-
Rajah Mubesh Naram Bahadoor	6	-	2	-	-	-	-	-	-	-	-	-	-	-
Rajah Humvunt Singh	22	2	24	1	-	2	1	-	1	-	-	1	-	6.25
Dewan Hurmungul Singh	1	-	8	-	-	-	-	-	-	-	-	-	-	-
Maharajah Maun Singh	64	-	397	3	-	48	3	-	27	-	-	12	9	11.06
Meer Baquir Hoossein	16	2	134	1	-	9	1	-	6	-	-	1	2	6.57
Maharajah of Bulrampore	49	31	5	1	-	1	1	-	-	-	-	1	-	2.35
Nisar Ally Khan	2	4	7	-	-	7	-	-	6	-	-	1	-	53.84
Bikrumma Singh	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Chowdree Gopal Singh	52	36	206	14	7	15	10	5	10	4	2	5	-	12.24
Rajah Kasi Pershad	23	-	6	9	-	-	8	-	-	1	-	-	-	31.03
Rajah Furzund Ally Khan	10	-	8	3	-	1	3	-	-	-	-	1	-	22.22
Chowdree Nawab Ally	2	-	2	1	-	-	1	-	-	-	-	-	-	25.00
Rajah Ruttun Singh	-	-	5	-	-	-	-	-	-	-	-	-	-	-
Quazeer Surfraz Ally	25	13	13	3	-	3	2	-	1	1	-	2	-	11.76
Rae Ibrahim Bully	11	9	5	-	-	-	-	-	-	-	-	-	-	-
Hakim Kurm Ally	5	-	2	-	-	-	-	-	-	-	-	-	-	-
TOTAL	812	253	1,415	51	8	136	37	6	77	14	2	48	11	7.86

It is unnecessary to expatiate upon the advantages of the system in a political point of view, as these are generally admitted, and the following remarks have reference solely to the conduct of the Honorary Assistants in the trial of cases:—

Civil cases were tried by Honorary Assistants last year for the first time, and a good commencement has been made. The amount of criminal work has greatly increased.

The results of civil and criminal trials and appeals are as follows:

	Civil.	Criminal.	Revenue.
Total decided - - - -	253	812	1,415
Appealed - - - -	8	51	136
Confirmed - - - -	6	37	77
Reversed - - - -	2	14	48
Pending - - - -	0	0	11

These figures speak for themselves, and the convenience to the parties of having their cases disposed of without the intervention of Government omahs, and without the delay and expense of a journey to a distant station, can hardly be over-estimated. Some of the sections of the penal code lately introduced have been misunderstood, and mistakes made in consequence; but these have not been altogether confined to Honorary Assistants. In some cases there is room

for suspicion that the Honorary Assistants, ignorant of forms and fearful of rebuke for errors, employ our old omlahs, and allow them to do too much. This practice cannot be altogether prevented, but will be discouraged as much as possible.

On the question of revenue jurisdiction there is some difference of opinion. The Commissioner of Baiswarra says, "No man sitting on the bench should try his own cause;" and this opinion is shared by other officers of the commission, who apprehend that this power might be abused, and might lead to the discredit of the system.

The officiating Chief Commissioner is not prepared to say that such arguments, based on anticipation of what might probably occur, are not well founded; but, as far as can be learnt from general information and from the result of trials, the anticipation has not as yet been fulfilled. Of 1,415 revenue suits decided 136 were appealed; and of 125 disposed of, 77 orders were upheld and 48 reversed. The reversals were therefore 35·29 per cent. of cases appealed; but only 3·39 per cent. of cases tried. The percentage of cases appealed to cases tried was low, only 9·31; and considering the encouragement given by the large proportion of orders reversed, and the notoriously litigious character of the tenants of some of the great landholders, there can be little doubt that nearly every man who really had any grounds to go upon did appeal. The paucity of appeals is therefore a favourable feature, and may reasonably lead to the inference, that in the cases not appealed, with rare exceptions, substantial justice had been done. The Commissioner of Fyzabad, in his 87th paragraph above quoted, remarks upon adjustment of rent cases. It was never intended that Honorary Assistants should try such cases, and as soon as it was brought to notice that one of them had done so, the practice was checked, and instructions issued calling attention to the original rules, and clearly defining their revenue powers.

If European officers do their duty as they have done hitherto, the officiating Chief Commissioner believes there is little fear that injustice will be done, or that, if done, it will not be remedied.

The talookdar alluded to by the Commissioner of Khyrabad was deprived of his powers on the recommendation of the officiating Chief Commissioner, for permitting his retainers to take by force certain market dues claimed by a neighbour as well as himself, and which the native police officer had collected, with the consent of both parties, and was about to deposit with a third party pending the settlement of the dispute.

Though the officiating Chief Commissioner has, in some instances, had occasion to find fault, he considers that the general results of the measure are encouraging, and that, on the whole, the Honorary Assistants have discharged their duties satisfactorily.

The Honorary Assistants who are mentioned with praise by Commissioners and Deputy Commissioners have well earned the commendations they have received. The following are specially deserving of notice:—Maharajah Dirghejee Singh, of Bulrampore; Maharajah Maun Sing, who decided a large number of cases; Rajahs Hurdeo Buksh, Unroodh Singh, Jugpal Singh, and Gunga Singh; Rana Shunkur Buksh; Lall Sheopal Singh, Meer Baquir Hoosein; Shumshere Bahadoor; Fuzl Russool; Mahomed Ushruff; Aga Jan; and Chowdree Gopal Singh, who is very highly spoken of.

With the view of dispelling the doubts adverted to in paragraph 53, the officiating Chief Commissioner drew up the draft of a Bill to provide for the succession to, and the rights in respect of, certain talookas and granted estates, and for the jurisdiction of the courts of this province in suits relating to land. The Bill, somewhat modified in its details, is now under consideration.

It is proposed to extend the principle of self-government to some extent to cities and towns; and provision for so doing will be made in the draft of an Act which the officiating Chief Commissioner is now preparing for the regulation of municipalities in Oude.

APPENDIX U (2).

Circular No. 1123 C. of 1862.

Regular Suits—Revenue Side.

(Revenue.)

From *C. Currie, Esq.*, Secretary to Chief Commissioner Oudh, to the Commissioner,
Division; dated Lucknow, 16 April 1862.

Sir,

I HAVE the honour, by desire of the Officiating Chief Commissioner, to forward for your information and guidance the following instructions regarding the constitution, jurisdiction, and procedure of the revenue courts in the disposal of suits of a civil nature. The circulars marginally noted, having been embodied in these instructions, may be considered cancelled.

119-2917 of 13th August	-	-	1860
120-2918 of 13th "	-	-	"
166-3410 of 1st October	-	-	"
197-4268 of 17th December	-	-	"
3-90 of 7th January	-	-	1861
18-591 of 21st February	-	-	"
25-764 of 5th March	-	-	"
29-952 of 18th "	-	-	"
55-2359 of 16th July	-	-	"
63-2564 of 5th August	-	-	"
57-2395 of 19th July	-	-	"
17-3000 of 13th September	-	-	"
Paragraph 7, Circular No. 47-2096 of 24th June 1861.			

2. On the annexation of the province, his Excellency the Governor General in Council, in laying down rules for its administration, directed that the principle found so beneficial in the Punjab, of entirely excluding from the jurisdiction of the civil courts all claims to proprietary and accessory rights in land, and of withdrawing that power of revision which in the regulation provinces, and in the first instance in the Punjab also, had been reserved to those courts, should be unquestionably and from the first adopted in Oudh. Thus the duty of investigating and judicially deciding all such claims was held to appertain to the revenue authorities exclusively, that is to say, to the settlement officer (his decision being open to appeal to his superiors in the Revenue Department) wherever the case might admit of delay, or be of so peculiar and intricate a character as to admit of being satisfactorily dealt with by that officer only, and to the Deputy Commissioner as a revenue officer in those cases in which a final order could be clearly given without prejudice to the general interests of the village, and in which hardship and injustice to individual claimants would evidently be entailed by delay.

3. The above orders have, by a late Act of Parliament, been declared to have the force of an Act of the Governor General of India in Council. All claims to proprietary and accessory rights in land are then the suits of which (*see* Section 1, Act VIII. of 1859) the civil courts in Oudh are barred from taking cognizance by an Act of the Governor General in Council, and no decisions passed by the revenue courts on such claims can be revised or called in question in the civil courts.

4. The suits which, under the above rules, are cognizable by the revenue courts exclusively may be classified as follows:—

- (I.) Claims to a proprietary right in land.
- (II.) Claims to a sub-proprietary right in land.
- (III.) Claims for redemption of mortgage of landed property.
- (IV.) Claims to succession in landed property by inheritance.
- (V.) Claims for participation in the profits of estates.
- (VI.) Claims for possession of groves or right to the produce of groves between two persons of equal interests.
- (VII.) Claims for recovery of rents of former years.

5. When the regular settlement is in progress in a district, all claims of classes I., II. and III. must be referred to the settlement officer. The ordinary revenue courts are interdicted from taking them up.

6. In a district in which the regular settlement has not commenced, these suits may be heard by the revenue courts, provided that the party suing has been dispossessed of the rights to which he lays claim, subsequent to the summary settlement of 1858-59.

7. But even in this case a discretion is left to the Deputy Commissioner and Commissioner to decide whether the claim is one that calls for immediate trial, or can be allowed to lie over till the regular settlement.

8. It is to be understood as the leading principle, that all cases which are of a peculiar or intricate character, or in which a final order cannot be passed without probable injury to the rights of others, or generally in which no hardship or injustice will be entailed by delay, shall be left to the settlement officer to dispose of. A copy of the order referring the petitioners to the regular settlement should always be given to them, and the period of limitation will be computed back from the date of the petition.

9. The settlement with the talookdars being final so far as their right to engage for the estates settled with them is concerned, has swept away a multitude of claims; but still many are preferred for fractional interests in zemindary mehals, maafee or malgoozaree, or for redemption of mortgage, which it is believed do not call for immediate decision.

It is necessary to give more detailed instructions regarding each class of case.

(1.) Claims to a proprietary right in land.

10. These may be sub-divided as follows :—

(A.) Claims to possession of a village or fractional portion of a village, khalsa, or maafee.

(B.) Claims to specific lands.

11. Wherever settlement operations have commenced, suits of the above nature are cognizable by the settlement officer only, and are exempt from stamp duty under the provisions of the general exemptions of Schedule B. of Act X. of 1862. If preferred in a district in which settlement operations have not commenced, the petitions must be written on stamp paper of the value prescribed for petitions of plaint in Clause 11, Schedule B. of the said Act. Should it be decided that the claim is not one that calls for immediate decision, and the petitioner is referred to the regular settlement, the Deputy Commissioner may, with the sanction of the Commissioner, refund the value of the stamp duty paid on the plaint, provided no appeal has been preferred to a superior court against the original decision.

12. As regards claims to possession of a village or fractional portion of a village preferred in districts in which settlement operations have not commenced, it must be borne in mind that such claims can only be preferred by persons recorded in the khewut: and that if a man was in possession of his share when the khewut was drawn up, and has since been deprived of it, he will be entitled to demand that his possession be maintained according to that record. But if he was not in possession when the khewut was drawn up, his claim cannot be heard now, because in that case the khewut, which professes to be merely a record of possession, was incorrect, and is of no validity. The maintenance of possession till the regular settlement, in accordance with khewuts prepared at the summary settlement, will not bar the settlement officer from judicially determining the right of opposing claimants as against that of the parties whose possession has been temporarily maintained.

12a. As regards rent-free tenures, the Chief Commissioner is of opinion that as the grant of a jagheer in Oudh generally carries with it a proprietary right in the soil when a holding is released in favour of one or more maafeedars, the Government simply consents to waive its claim to the payment of land revenue on the holding in perpetuity, or for the life or lives of one or more persons specified. This act on the part of Government can in no way affect the proprietary rights in the soil existing at the time of agreement, and those rights must be maintained in their integrity. When, then, a holding is released for the joint lives of two or more persons, the heirs of each will succeed to all the rights enjoyed by their ancestor, and will be exempt from the payment of land revenue until the decease of the surviving maafeedar in whose favour the grant was originally made. All claims to a participation in rent-free holdings must be heard as regular suits, revenue side, and judicially decided. Should it be ascertained in the course of such investigations that the grant in dispute has been released in favour of certain persons, under a misapprehension of the true facts of the case, it will be open to Government to reconsider the question of the validity of the grant, and to determine whether it shall be released at all or not.

13. Claims to specific lands in co-parcenary villages should not be taken up in any shape during the present settlement, because, if the claim is decreed, it is impossible to execute it without trenching on the rights of others. Khewuts have been prepared for co-parcenary villages as far as they can be prepared prior to a khusrah survey, and must be accepted; no claims to be recorded as proprietors in villages, the khewuts of which already exist, should be heard. Persons preferring such claims should be referred to the regular settlement.

14. There are, however, claims to specific lands which require to be carefully dealt with, viz., lands declared or claimed as nuzzool. In districts in which settlement operations have commenced, the proprietary right in all patches of land, commonly considered Government property, should be investigated and judicially decided by the settlement officer, and a list of all such patches of land as may finally be declared to be Government property should be prepared and retained in the Deputy Commissioner's office.

15. In districts in which settlement operations have not yet commenced, a list of all nuzzool property should be prepared, and claims preferred by individuals should be heard as "regular suits, revenue side," and should, after due investigation, be judicially decided. Such claims should not be summarily dismissed on the ground that the property claimed has been declared nuzzool, because, in the great majority of cases, such declaration has been made, maybe, by the Chief Commissioner, on insufficient data, without full investigation.

(II.) Claims to a sub-proprietary in land :

16. Such claims are not generally directly preferred, except before a settlement officer. When they are directly preferred prior to the commencement of the regular settlement in a district, they must be written on stamp paper of the value prescribed for petitions of plaint in Clause 11, Schedule B. of Act X. of 1862. They must be heard by Deputy Commissioners only, and must be decided in accordance with the instructions issued for the guidance of settlement officers, such decisions being final, subject only to appeal in due course.

17. It is in summary suits, and suits for the adjustment of rent rates, that the issue of a sub-proprietary right is generally raised in a district in which settlement operations are not in progress. In disposing of such claims, however indirectly raised, district officers must be guided by the instructions issued to settlement officers. It will be borne in mind, however, that such decisions in miscellaneous cases are to hold good only for the term of the summary settlement, and will not be binding on the settlement officer.

(III.) Claims to redemption of mortgages of landed property.

18. These are of two kinds :—

(A.) Claims by mortgagers who never gained possession of the land mortgaged to recover the money advanced on the mortgaged land.

(B.) Claims by mortgagees to recover possession.

19. It has been determined to be a just and sound principle to treat as money debts claims by mortgagees who never gained possession of the land mortgaged to recover the money advanced on the mortgaged bond. These are therefore common civil suits, and cognizable as such by the civil courts. Circular No. 120,
dated 13 August
1860.

20. Claims by mortgagers to recover possession may be preferred on plain paper if presented to a settlement officer, pending the formation of a settlement; in all other cases stamp paper of the value prescribed for petitions of plaint must be used.

21. Such claims against talookdars are barred by the Governor General's order confirming the settlements made with them.

22. The following rules have been issued regarding the period of limitation to the hearing of such suits :—

23. When no term has been fixed in the deed for the duration of the mortgage the period of limitation will be that laid down in Clause 12, Section 1 of Act XIV. of 1859, for suits for the recovery of immovable property, viz., 12 years, reckoning from the date of delivery of possession to the mortgagee. But if a term has been fixed in the deed within which the mortgagee can redeem, that will be the period of limitation. Thus, if the term was only six years, and it has expired, no suit for redemption will lie. But if the term was 30 years, the suit can be brought at any time within that period. In most mortgages in Oudh, however, no term is specified, and to suits for redemption of them the 12 years' limitation rule will apply.

24. Should it be a condition of the mortgage deed that the mortgager re-enter on the expiration of a certain period, and the mortgagee has nevertheless kept possession, then the cause of action will arise from the date of the expiration of that period, and the 12 years' limitation rule will reckon from thence.

25. It is by no means imperatively necessary to take up every claim to redemption of mortgage during the currency of the summary settlement. The instructions contained in paragraph 8 of this circular are to be applied to such claims. It will of course be understood that should a mortgager and mortgagee appear in court and express a desire to revert to former possession, the Deputy Commissioner will give effect to their wishes.

(IV.) Claims of succession to landed property by inheritance.

26. District officers will not interfere on the death of a talookdar, or other landed proprietor, as to the succession, except when such interference is unavoidable, in order to prevent fights or almost certain injury to the property, real or personal. There will almost always be some generally acknowledged heir who will quietly succeed. When this is not the case, the Deputy Commissioner will take such steps as he may deem best adapted for the temporary security of the property, either upholding the party in possession, or determining summarily the right to possession and delivering possession accordingly, or appointing a curator to collect the rents, and placing the personalities in charge of any unobjectionable member or members of the family, or other respectable persons. Immediately on proceeding to take these measures, the Deputy Commissioner must report his intentions to the Commissioner, with his reasons, and must again inform that officer when his arrangements are completed. The Commissioner will, of course, confirm, modify, or set aside the Deputy Commissioner's order, as he may deem proper.

27. When succession has been quietly effected, or when a temporary arrangement, as above explained, has been made, all claims must be preferred to the Deputy Commissioner on stamp paper of the value prescribed for petitions of plaint in Clause 11, Schedule B., Act X. of 1862. The decision of such claims should be deferred till the Bill lately introduced into the Legislative Council, and bearing on this subject, has been passed and become law.

28. In paragraph 16 of this circular it has been ruled that claims to a sub-proprietary right in land directly preferred in a district in which settlement operations have not commenced are to be heard by Deputy Commissioners only. Similarly all claims to succession in talookas, i. e. estates the proprietors of which have received a sunnud, must be heard by Deputy Commissioners only. All other suits of the four classes heretofore detailed may be heard by Deputy Commissioners or assistants with full powers. In suits involving claims to

succession in talookas, a copy of the decision will be forwarded at once to the Chief Commissioner through the Commissioner. This latter officer may, in the event of no appeal being preferred, and it seeming necessary to do so, make any further inquiry personally or through the district officer, and in forwarding the papers to the chief Commissioner, will enter fully into all matters which the Deputy Commissioner may not have thoroughly explained, or on which he may disagree with him, and will distinctly record his own opinion.

(v.) Claims for participation in the profits of estates.

29. In the older provinces the action of the revenue courts is confined to the enforcement of a rendition of accounts; but in this province, where judicial and fiscal functions are united in one and the same officer, there is no reason why an order for the rendition of accounts should not be accompanied by a decree adjudging the amount due according to the accounts so rendered. Claims for participation in the profits of estates and claims for rendition of accounts will be held synonymous. They will be cognizable only when preferred by persons recorded in the khewut, and if brought to recover dues of the preceding year will be heard as summary suits; but if of former years, as regular suits, revenue side. In the latter case the petitions must be written on stamp paper of the value prescribed for petitions of plaint, and may be heard by any officer vested with full or special powers. Claims against agents will be treated in the same manner as claims against a lumberdar.

(vi.) Claims to possession of groves or right to the produce of groves between two persons of equal interests.

30. These have been variously treated as regular suits for rights in land and as cases of ouster. Under the native government permission to plant groves was freely given by the landlord to Brahmins, Bunyahs, and other persons possessed of no proprietary interest in the soil. The claims now preferred arise either from the possession of the grove or the right to the produce being contested between two persons of equal interests, or from the attempt of the zemindar who is owner of the soil on which the trees stand, to take rent from or eject the occupant of the grove.

31. If the claim is of the former character, it should be heard as a regular suit, revenue side; stamp paper of the value prescribed for petitions of plaint must be used; such cases may be heard by any officer vested with special powers.

32. If the suit arises from an attempt of the zemindar to take rent from or eject the occupant of the grove, it must be treated as a summary suit between landlord and tenant. The zemindar has an undoubted right to demand rent for the land, for the trees are generally a source of income, and if not, the land might be made so; but if the owner of the grove is willing to agree to a fair rent, he should not be ejected from possession.

33. In either case the Deputy Commissioner can, if he thinks necessary, put one party in possession pending the settlement of the claim.

(vii.) Claims for recovery of rents of former years.

34. Such claims require no specific instructions. They must be preferred on stamp paper of the value prescribed for petitions of plaint, and may be heard by tehsildars within the limits of their jurisdiction in purely civil suits, viz., 100 rupees.

35. The practice of referring suits of any of the classes mentioned in this circular to tehsildars for inquiry, and deciding the case chiefly on their report, is irregular and strictly interdicted.

36. The rules of procedure prescribed by Act VIII. of 1859, for civil courts, will be followed in the trial of regular suits, revenue side. The evidence in such suits, as well as the decision, will be recorded in English whenever the investigation is conducted by an European officer. The same rate of fee for the issue of processes as has been prescribed by the Judicial Commissioner for civil suits will be exacted. The deciding officer will, in writing his decision, after giving the names of the parties and the subject of the suit, state the value of the suit and of the stamp on which the suit was admitted, and briefly note the mode in which the value was calculated.*

* *Vide* Notes, Clause 11, Schedule B, Act X. of 1862.

37. Copies of decrees and judgments in regular suits, revenue side, are exempt from stamp duty wherever the value of the suit is less than 50 rupees under the exemption in Clause 5, Schedule B., Act X. of 1862.

38. Regular suits, revenue side, cannot be admitted for the purpose of setting aside summary decrees. Persons dissatisfied with the decision of any officer in the summary suit court can appeal as a right up to the Commissioner, whose decision will be final, the Chief Commissioner retaining to himself the power of admitting an appeal from the Commissioner's decision on a point of law, but not of facts.

39. Cases of the several classes enumerated in this circular will, when heard by the district courts, be included in the business statement under heading 48 A, regular suits, revenue side. A memorandum should be added at the foot of the statement showing the number of each class of case disposed of during the period for which the statement is prepared.

EXTRACT of a LETTER from *G. Campbell, Esq.*, Judicial Commissioner, Oude,
being his Annual Report for 1860; dated 3 May 1861.

BUT under our system, as we cannot make the landholders absolute princes on their estates, sooner or later questions between them and the inferior classes must arise. We must then be careful that we do not give one class power to the detriment of the rights of another class. My principal fear is that some of the talookdars, magistrates, and collectors, in some degree labour under a misapprehension, and fancy that the powers are given to their estates by way of making them more absolute owners. I was rather disappointed, when I put to some of the most important of them (Maun Sing and others) the plan for giving the power to try civil suits, to find that they objected "What good is that to us." "From criminal powers they said our power and authority are increased, and our tenants, knowing that we have revenue powers, pay up; but what is the good of deciding shopkeeper's civil suits; that will be very great trouble and no good." Now Maun Sing declares in conversation that there are no inferior rights of any kind on his estate.

My own impression is, that under all tenures and all systems, in all parts of India, at the bottom of all a strong-tenant right exists, which has survived every thing in some districts in Lower Bengal, and in most other provinces, and that very much indeed depends on the maintenance of these indigenous rights of the masses. We now know that even the serfs of Russia would not value freedom unless it were accompanied by some defined rights in the soil. I look on it as a great advantage of the large tenures of Oude that the great holders are less likely to interfere with these rights of the tillers of the soil than petty landholders.

But still questions between the superior holders and the privileged cultivator must arise; the rights of the latter have not been recorded or defined; and care must be taken that when the system now discussed further progresses, it does not give one class an unfair advantage over another.

EXTRACT of a LETTER from *C. Currie, Esq.*, Secretary to Chief Commissioner, Oudh, to the Secretary to the Government of India, Foreign Department; dated 28 August 1861 (No. 2110).

4. EVERY talookdar, however, to whom the Officiating Chief Commissioner has spoken on the subject, denies the existence of any right on the part of cultivators of any description, to hold land at fixed rates; they one and all declare that no such right was even known in the province; and Mr. Wingfield was of the same opinion, for, with the sanction of Government, paragraph 8 of No. 74. of 8th January 1861, he directed in paragraph 31 of his Record of Rights' Circular, that no distinction should be made in the records of settlement between ryots at fixed rates and cultivators at will; and in the Settlement Circular, No. 9, of the 5th April last (drafted by Mr. Wingfield before his departure), he remarked that it had already been ruled that no cultivators in Oude are entitled to hold at fixed rates. The Officiating Chief Commissioner believes that by "cultivators at fixed rates" in the first quotation, the Chief Commissioner meant that class of ryots who, owing to long occupancy at one rate, or no great variation of rates, were, in our older provinces, assumed to have a right to hold in perpetuity at the same rate. Some officers of the Commission, however, believe in the existence here of a tenant right at fixed rates; but this belief, the Officiating Chief Commissioner opines, arises more from a feeling that, what now exists elsewhere in provinces to which they have been accustomed, must or should exist here, than from any precise knowledge of its actual existence. They make no allowance for the possibility that, under the strong bias in favour of proprietary communities and ryots' rights, which has always shown itself in our part, we may have extended a right to occupancy on payment of rent to a right to occupancy at a fixed rent for ever. A modified right to occupancy is allowed here by all, that is, the right of a cultivator who has long occupied the same land, to retain it in preference to any one else, provided he gives a fair rent; not, be it noted, what may have been a fair rent in the ages of the past, but what may be reckoned a fair one at the time the demand for increase is made. Such

the Officiating Chief Commissioner believes is the real custom of this province, and it was so perhaps of Hindoostan, until we translated a non-increase on sufferance in consequence of stagnation into a right to non-increase under any circumstances, however great the change; the principle might have been applied quite as justly to the produce of the land as to the land itself.

EXTRACT of a LETTER from *G. Campbell, Esq.*, Judicial Commissioner, Oude, to Secretary to Chief Commissioner; dated Lucknow, 28 April (No. 340) 1862, forwarding Annual Judicial Report for 1861.

Effect on questions
of property.
* Baiswarrah and
Fyzabad.

Para. 111. In the part of Oude * to which I allude there are also very many hotly-contested questions of property, and this brings me to the principal difficulty of the whole system, the fear that questions of property may be affected; that talookdars may become so far judges in their own cases as to destroy the impartiality of their position.

I have mentioned that Maharajah Maun Singh has, from the first, declined civil cases as an unprofitable labour. When passing through Fyzabad on my tour in February last, I happened to send for the criminal cases decided by honorary magistrates during the previous month, for inspection. Most of them were decided by Maun Singh. But when I came to look into them, I found that of 19 persons in all, convicted and punished by him, the majority, *i.e.*, 11 persons, were punished for opposition to his processes in the Revenue Department. Four of the 11 were, I thought, illegally so punished for resisting the Maharajah's own servants engaged on executive duties.†

I have no detailed information respecting the revenue jurisdiction, but, in connection with what I stated last year, I have doubts whether, when a man declines civil business and so largely applies his criminal powers in support of his revenue jurisdiction, he can be considered to serve the public.

It does appear to me that the feeling is much growing among most of the officers that, in so far as the jurisdiction is concerned, directly or indirectly, with revenue matters, there is imputation of making men judges in their own cases, which had better be avoided.

Record of
subordinate rights.

As a security against any such tendency, it was originally provided in the published correspondence (*see* Secretary Chief Commissioner's Letter to Secretary to Government, No. 2396, of 24th October 1859, paragraph 7), as follows: "It must also be explained that it is not proposed to confer this authority on any talookdar until he has given leases (pottahs) to every tenant holding directly under him, and until all subordinate rights have been recorded."

Now I believe that there can be no doubt that this condition has not been exactly fulfilled. The subordinate rights have not yet been settled and recorded. The Chief Commissioner is aware that the Rajah of Amethie, who, more than any man in Oude, occupies the position of feudal chief, absolutely denies the existence of such rights, to which there are many claimants.

112. As the question of subordinate rights has been raised in connection with my Report of last year, perhaps I may be allowed to make an observation on the point discussed in the correspondence which is now being published in that Report. I am pretty sure that no officers are likely to find that any rents of cultivators were fixed in the sense of being absolutely and permanently fixed at a definite sum of money for ever. Nothing was so fixed either in Oude, or I believe any other part of India. The assessment of the superior zemindars was assuredly never so fixed. It constantly varied, and was, in fact, just as much as the Government could make them pay. So also, doubtless, the assessment of the immediate holders of the soil was very much regulated by the power to exact. But at the same time this, I think, is undoubted, that, as said by Mr. Yule, there was a strong right of occupancy on the part of the ancient cultivators of the soil; and their assessments were so far more fixed than those of the superior zemindars, that, according to the ancient law and practice of Hindoostan, the right of the

† *Note.*—And since writing this, the Commissioner has casually sent for orders two more cases of the same kind, decided by the Maharajah in the same month, but which had not, at the time of my visit, reached the Sudder office. There was no evidence, and the sentences appeared illegal, but further inquiry has been made.—May 15th, 1862.

the zemindar or Government, or whoever else dealt with the permanent cultivator, consisted in the claim to a certain proportion of the produce. This proportion was, for a series of years and within certain limits, pretty well fixed and determined, and so it happened that by the use of certain standard rates of division and recognised modes of commuting them for money, and certain fixed money rates for the cultivation of certain crops, the assessment of the cultivators became pretty determinate, and was only varied occasionally under pressure of strong circumstances.

113. It appears, then, to be generally understood that, though there were in Oude no cultivators at actual fixed rates, there certainly were cultivators possessing a right of occupancy and liable to regulated rates, by which rights they were distinguished from tenants-at-will. The holding of the superior zemindars from Government was of the same nature, but less distinctly regulated. The British Government regulates its demand by fixed rates short of the utmost limit of demand. It is then for the Government to determine by its own laws whether the margin created by this limit is to be given exclusively to the superior holder, or is to be, in any degree, shared by the inferior holders; and at any rate it does seem that to permit under our strong rule (which destroys the right of resistance), such unlimited enhancement at the discretion of the zemindars as to render the ancient tenants in practice mere tenants-at-will, would put them in a decidedly worse position than they previously occupied.

114. It appears, I think, that it is to these tenants, with the right of occupancy at regulated rates, that Mr. Wingfield refers when he orders (para. 29 of his settlement instructions regarding record of rights, dated 29th January 1861), "that there shall be no distinction in the records between tenants at fixed rates and tenants-at-will," considering that "such tenants are an invasion of the rights of property, and a clog on enterprise and improvement." This at least I can positively assert, that all the local officers understand the instructions in the sense that there is to be no record of what are called, in other provinces, "Mouroosee," or ancient cultivators.

115. It may well be that it is most injurious rashly to create rights in waste land, or to render irremovable persons who are really tenants-at-will; but if we avoid that error we shall probably have a sufficient field to occupy capital and enterprise for some generations, without trenching on really existing rights. It may be also that we should find it equally an evil if we by any means reduce the whole of the cultivators to a dead level of rack-rented tenants-at-will before we have the enterprise and capital to occupy so large a field. Changes are best effected gradually, and we shall most safely as well as most justly follow the line of existing facts. It is clear that as the country advances, great rent questions must arise between the superior and inferior holders; and I cannot but think that there is some ground for apprehending that if, while the rights of the latter are not recorded, the former are allowed for a series of years to decide cases which affect their own interests, the inferior rights may be obliterated more quickly than under ordinary circumstances they would have been. I am aware that it is intended to record the rights of those who are called sub-proprietors. But while also some cultivators, possessed of some privileges of occupancy, distinguishing from them tenants-at-will, do, as Mr. Yule says, very generally exist, they are not to be recorded.

116. I do, then, share with many officers the feeling that we should be very cautious how we allow any class to decide judicially cases in which they themselves have an interest. That might in reality lead to the discredit and injury of the system which we wish to see successfully carried out.

From Lieutenant *R. H. de Montmorency*, Assistant Secretary for Secretary to the Chief Commissioner of Oude, to Secretary to the Government of India, Foreign Department (No. 3136); dated 15 December 1862.

THE Chief Commissioner has only just observed that Mr. Campbell, in paragraphs 112 to 116 of his Report on the Judicial Administration for 1861, has commented at some length on the settlement instructions issued by the Chief Commissioner regarding Record of Rights, paragraph 29, Circular No. 313,

dated 29th January 1861. The Chief Commissioner would not think it necessary to notice Mr. Campbell's opinion on a subject not coming within his department, but as his remarks may have attracted his Excellency's attention, and since the inferences are unwarranted and calculated to mislead, the Chief Commissioner begs to offer the following observations.

2. He never professed to ignore the existence of cultivators with right of occupancy as distinct from mere tenants at will, but as he was convinced that there were no cultivators with rights of occupancy at fixed, *i.e.*, unvarying rates, in Oude, he drew a broad line of separation, and did not think it necessary to particularise between cultivators with or without rights of occupancy. Indeed, he does not think the determination of this latter question and of what will hereafter constitute a fair rate of rent subjects for general investigation at settlement. The record of the rates paid at the time is quite sufficient. To enter upon such an inquiry would be to rouse a spirit of antagonism between landlord and tenant, who, if left to themselves, would rarely dispute at all. The Chief Commissioner would leave each case to be decided as it may arise in summary suit for rent or ouster.

3. The Chief Commissioner's views on the general question are briefly these:—That though there are no cultivators in Oude entitled to hold at fixed rates, there are cultivators with rights of occupancy, but this right cannot be made to depend on occupation of the land for 12 years or any arbitrarily assumed period of time, nor does it restrict the landlord from raising the rent, after due warning, if other cultivators are ready to give more for the land than the present occupant pays, and if it is a fair rent and not an excessive one run up merely to oust him. In short, the right of occupancy only entitles the tenant to hold at market rates and protect him from wanton eviction.

4. Mr. Campbell is correct in assuming that the Chief Commissioner would not introduce the class called in the North-Western Provinces "mouroosee" cultivators into Oude. They and the rights we declared them to possess were unknown till we created them; and the Chief Commissioner considers that many evils have resulted, and that the value of the property has been impaired, by the interference practised between landlord and tenant at the regular settlement in the North-Western Provinces. With what reason can we assume to fix rents when they must rise with the extension of the great public works now in progress, and the consequent diffusion of wealth? Indeed, rents have already risen since the re-establishment of tranquillity.

5. The Chief Commissioner believes there is no foundation for Mr. Campbell's assertion that there were, under the native Government, certain well-known and regulated rates (as he expresses it) at which cultivators were entitled to hold in Oude; such established rates have in practice scarcely anywhere been found to exist. The Chief Commissioner believes, on the contrary, that there was no limitation on the power of the landlord to raise the rent beyond what his own interest, which required that the land should not be left untilled, would impose on him.

6. The Chief Commissioner is glad to find that Mr. Yule so entirely concurs in the view taken by him on the right of occupancy, as will be seen by the following extract, paragraph 6 of a Circular No. ¹⁸₃₉₉₄, issued by him 9th December 1861. The holdings referred to at close of the paragraph are of a rare and exceptional character, the right to which has its origin in former proprietorship, all vestige of which had long since disappeared except as far as it is preserved in the permission conceded by the present proprietors of holding a little land at favourable rates.

Extract Paras. 1 to 4, 6 and 8, from a Letter from the Assistant Secretary to the Chief Commissioner, Oude, to the Commissioner of Baiswara Division; dated 10 December 1861 (No. 3993).

1. With reference to your letter, No. 400, dated 21st ultimo, soliciting further instructions regarding the preparation of jumabundees in accordance with paras. 20 to 23 of Settlement Circular, No. 1, I am directed to observe as follows:—

2. There is a great deal of truth in Mr. King's remarks upon a jumabundee. The more our system diverges from that of the North-Western Provinces, the less use shall we find for

for such a document. It can be considered only as a convenient record of the entire rent engagements of the cultivators of a village, and as a standard of reference as to the amount of these engagements at the time when it was prepared, and thus it will incidentally show how far the Settlement Officer's assessment agreed with the actual rental of the village; but it is not a guide to the assessment, nor does it show how the amount of assessment was arrived at, though it may explain some points; and most assuredly it is not a record of rates to be conformed to by landlord and tenant, for it is impossible that any such record should exist, in accordance with that great principle in our settlement that cultivators, merely as such, have no rights in the land arising from occupancy only, beyond that of occupation at fair rates of rent.

3. From this it will be seen that a jumabundee may be prepared at any time most convenient during settlement. It ought to be tested, and the zemindars desire to give pottahs according to it. But the period of the pottah is at their discretion. It may be for one year, or for more, and when it expires the zemindar can renew at the former or higher rates, according to the arrangements he makes with the tenant. If a dispute on the subject is brought into court, then the jumabundee may be useful so far as to show the prevailing rates of land of the same quantity, and under the same general circumstances, and thus enable the officer trying the case to approximate to fair rates; but it can by no means be considered as ruling the rates, which are to be inflexibly adhered to; for the lands of a village may have been hitherto assessed at a lower than the fair rate, for any one of many reasons, or their value may hereafter increase for as many more, and the landlord is entitled to a share in that increase, unless his right has been fettered for a time, or permanently, by himself or his predecessors.

4. You will understand that in this letter the person entitled to receive rent from the occupant is styled landlord, whether he be talookdar or under-proprietor, or birtia or shunkullupdar or ticcadar, and the words ryot or occupant are used to mean persons having a right to occupy on payment of a fair rent, and it must be recollected that no period of occupation only gives a right to hold at fixed rates, and that no ryot entering by virtue of a pottah for a fixed period on the occupancy of land not before in his occupation has any right to occupancy after the period of his pottah has expired. There are cases when the right of a mere ryot to hold at fixed rates is acknowledged to exist, but this right never, so far as the Officiating Chief Commissioner has seen, takes its rise in occupancy only, but always has some distinct recognisable origin. You will shortly receive a circular touching on this subject.

6. The Officiating Chief Commissioner entirely agrees with you as to the absolute necessity of upholding existing rights, and he would consider it the gravest infringement of that principle if he were to assume that because a man has rented a field from its owner at the same annual sum for 12 successive years, he was therefore entitled to rent it for ever at the same sum, or at double the amount of a demand which Government, for the public interests, has fixed arbitrarily as the limit of its own right for a longer or shorter period, perhaps for ever. The owner of land is entitled to fair, that is, to the market rates for it (provided, of course, he has not contracted for others), as much as any merchant is entitled to the bazar price for his commodities; and this right to demand a higher rate when the market rises is not restricted by the fact of the market rate having hitherto remained steady in consequence of small demand, or other reasons, arising from the state of society and government. Had the Officiating Chief Commissioner found that such a right existed as that you refer to in para. 16, he would certainly have upheld it, but he has never seen an instance of it, or even found an officer who could show him one. He, of course, does not now allude to holdings of the nature described at the close of the last paragraph.

8. The Officiating Chief Commissioner is aware that the principle of the Oude system, which forms the subject of this letter, is not that of the adjoining provinces; but it does not therefore follow that it is a wrong one, and he trusts to your carrying it out thoroughly, but with due discrimination of the facts of each case that comes before you.

SETTLEMENT.

Circular No. ¹⁸/₃₉₉₄; dated Lucknow, 9 December 1861.

COPY of the above forwarded to the Commissioner and Superintendent
for information and guidance.

Division,

C. Currie,
Secretary to Chief Commissioner, Oude.

From Colonel H. M. Durand, C.B., Secretary to the Government of India,
Foreign Department, to the Chief Commissioner of Oude (No. 62); dated
18 May 1863.

I HAVE the honour to acknowledge the receipt of your Secretary's letter,
No. 3136, dated 15th December last, submitting your remarks on the obser-
62. I 2 vations

vations made by Mr. Campbell, in his Judicial Administration Report for 1861, on the settlement instructions issued by you regarding Record of Rights.

2. His Excellency the Viceroy and Governor General finds that on the question of rent, the rights of cultivators to hold at fair and reasonable rates, there is not much difference of opinion between yourself and Mr. Campbell. The force of Mr. Campbell's argument, however, is this, that the talookdars, who are themselves interested in the case, are allowed to decide what is a fair rent, and that, by the adjudication of such questions being in the hands of the talookdars, the obliteration of the rights of ryot occupancy, and the gradual fusion of all ryots into mere tenants at will, are likely to ensue.

3. His Excellency is of opinion that the attempt to define accurately in the settlement records the extent and limits of the rights of occupancy is no doubt attended with much difficulty. But it is admitted that such rights exist, and that the tenants who enjoy them differ from tenants at will. You are therefore requested to state whether the omission of all reference to their rights in the settlement records, coupled with the judicial powers conferred on talookdars, will not have a tendency to obliterate them altogether, and thus to prejudice unjustly the status of the holders, and whether it would not be possible so to record them as to keep them alive, leaving it to the courts to determine the precise nature of these rights, if disputes should arise on this head.

REVENUE DEPARTMENT.

Sir *Charles Wood* to the Governor General of India in Council; dated 9 June
(No. 12) 1863.

My Lord,

1. THE Report of the Judicial Commissioner on the administration of justice in the province of Oude, for the year 1861-2, has already been noticed in my Judicial Despatch, No. 43, of this date; but there is one point referred to in that Report on which I am desirous of making some observations in this department.

2. In paragraphs 111 and 115, Mr. Campbell discusses the question of the extent to which subordinate rights in the land will be recorded in the settlement which is now in progress in Oude, as bearing upon the effect which a complete or an incomplete settlement of such rights must necessarily have upon the administration of civil justice.

3. In my political Despatch of the 17th of August 1861, No. 105, I alluded to this subject, and requested to be furnished with the opinion of your Excellency's Government upon the sufficiency of the measures which are being taken to protect the rights of the under proprietors in Oude. I have not as yet received any report upon this subject, and I shall be glad to receive at an early period your Excellency's opinion, after you have consulted the Chief Commissioner of Oude, as to the sufficiency of the present settlement in this particular. I also wish to be made acquainted with the proceedings of your Excellency's Government, in consequence of the reference which I gather from the 53d paragraph of the Oude Administration Report of 1861-2, has been made to you upon the question whether certain classes of suits connected with the rights to the land are properly cognizable by the civil or by the revenue courts.

POLITICAL DEPARTMENT.

Sir *Charles Wood* to the Governor General of India; dated 30 April
(No. 24) 1864.

1. I HAVE perused with considerable interest the administrative reports of the Punjab and Oude, for the years 1862-3, and especially those parts in which the conduct generally of the talooqdars and influential landholders, who have been entrusted with powers in the administration of those provinces, is noticed.

2. These reports have been sent home without any remarks by your Excellency's Government; indeed they would appear to have been forwarded direct, without having been under the deliberation of the Government of India at all.

3. I am

3. I am desirous before scrutinising these papers more closely, with a view to passing orders on them, to have the opinion of your Excellency's Government on the several subjects which they contain; more especially am I anxious to learn your Excellency's views as to the mode in which the powers in the revenue department entrusted to the talooqdars has been exercised. I directed the attention of the late Viceroy* particularly to this subject, and I was in hopes, ere this, to have received a special report from the Government of India on this point and the other important matters commented on by me in paragraphs 7, 8, and 9 of that Despatch.

* Pol. Dep.,
dated 17 August
(No. 105) 1861.
(See Parl. Paper,
No. 426, Session
1861, page 146).

4. I am disposed to think, from remarks contained in some of the papers sent home with this report, that the apprehensions I expressed regarding the practice which had been sanctioned of allowing talooqdars to adjudicate cases in which they are personally interested, have been, to a certain extent, realised. If this is the case, I would suggest to you whether it would not be advisable to confine the talooqdars to their discharge of magisterial duties.

5. I would request the early attention of your Excellency to the administrative report referred to in this letter.

EXTRACTS FROM OUDE ADMINISTRATION REPORT for 1862-63.

SECTION X.—POLITICAL.

101. Profound tranquillity has reigned throughout the year. His Excellency the Viceroy, when at Cawnpore in February last, gave an interview to seven of the principal talookdars of Oudh, and expressed his satisfaction at hearing of efforts to suppress female infanticide.

There are no statistics at hand to prove that this crime has diminished; but from the attitude taken up by the talookdars in regard to it, the Chief Commissioner can entertain no doubt that it has been checked on their estates.

The marriage of a niece of Raja Roostumsah of Dera, with the son of the Raja of Mujowlee in the Goruckpore district, the head of the Bissein Clan of Rajpoots, having been attended with unprecedentedly lavish expenditure, the Chief Commissioner took the opportunity of addressing a letter to the Talookdars' Association, a copy* of which was sent to every talookdar, urging that body to take measures to reduce the expense of these ceremonies. He warned the talookdars of the certain ruin that must overtake their families, if the present custom is not abandoned, and reminded them that in the humbler Rajpoot families it is at the root of infanticide, which they had bound themselves to suppress.

* No. 638, dated
25th March.
Appendix XV.

He has reason to think that this exhortation has not been without effect, for the marriage of the daughter of the Raja of Morarmow, the head of the Bais Clan, the first in Oudh, was recently celebrated at comparatively trifling expense, and the Raja claimed credit for having followed the Chief Commissioner's advice. A meeting of talookdars of the Fyzabad district has also been held to consider this subject, and it will be brought before the association at its next meeting in October, when rules for regulating marriage expenses will be adopted.

In the month of May 1862, rumours began to spread in the east of Oudh of fires, the work of Government agents. It appeared that villages had been visited by men who asserted that they were commissioned by the Government to burn them, and whom the villagers, afraid for that reason to seize, induced by presents to desist from the execution of their supposed orders. Some of these men were at last seized by the landholders and police, and on their conviction and punishment the rumours died away.

It was thought that these men were not set on by enemies of the Government, hoping to disturb the public peace, but that they availed themselves of the prevalence of fires at that time of the year to raise money from the fears and credulity of the people. There was no proof of a village having been actually set on fire by any one of them.

About the close of 1862 it came to light that letters from Mecca were in circulation among the Mahomedan population in several districts. These letters, which all closely resembled each other, purported to have been written by one Mahomed Salik, who had seen Mahomed in a vision, and been commissioned by

him to call the faithful to repentance, and prepare them for the end of the world, which was predicted to be close at hand. The Chief Commissioner, convinced that they were mere fanatical effusions, and had no hidden political meaning, took no steps beyond keeping himself informed of their circulation, which soon afterwards ceased. The Chief Commissioner believes that several exhortations have been from time to time addressed to the Mahomedan population.

The Talookdars' Association held its annual meeting in November last, when many questions connected with the settlement, and the Bill for regulating the succession to talooks were discussed. The Chief Commissioner regards the projects of the Association with entire approval, for he thinks it is a decided advantage to the authorities to know the views and feelings of the influential class represented in that body, on all measures having the good of this province and its inhabitants for their aim, while by frequently meeting together, and by the habit of free discussion, the landed gentry of Oudh will learn to divest themselves of old prejudices and jealousies, and to co-operate in schemes of social and material improvement.

The Association owes its origin mainly to the Secretary Baboo Dukina Runjun Mookerjee of the Tagore family, who has received a grant of an estate in Oudh. He is a gentleman of great abilities and accomplishments, who has lived on terms of intimacy with many of the most distinguished men in India for the last 30 years. His influence has been most beneficially exerted to enlighten the minds of the talookdars, and to teach them to appreciate the good intentions of the Government.

The most active member of this Association is the Vice President Maharaja Mann Sing, who enters earnestly into every thing he undertakes, and possesses talents that would raise a man to eminence in any country.

The Kaisur Bagh Palace, which was assigned to the talookdars for their town residences, is being put into thorough repair, and will soon become one of the finest quadrangles that any city can boast of.

The opinion of the several Commissioners on the results of the system of associating the great landholders with the servants of Government in the administration of justice are given at length. It will be observed that the Honorary Assistant Commissioners have decided one-third more civil and criminal cases this year than in the former one. The Chief Commissioner particularly calls attention to the large amount of business disposed of by Chowdry Gopaul Sing, Mahomed Ushruf and Mirza Shumshere Bahadoor. Chowdry Hushmut Ally, Mirza Aga Jan and Moonshee Fuzl Russool have also done a fair amount of criminal work. Appeals from their decisions, though proportionately few, are double the number than in the preceding year. Paucity of appeals from the decisions of these gentlemen has been attributed by some to the fear of litigants in their courts to offend them in their character of landlords; but this explanation altogether fails in the case of Chowdree Gopal Sing, whose estate does not yield a rental of more than 10,000 rupees a-year, while his jurisdiction extends over the entire pergunnah of Bangermow; and the same remark applies to Mirza Shumshere Bahadoor and Mirza Fuzl Russool. The real reason for the rarity of appeals from the orders of the Honorary Assistant Commissioners in civil and criminal cases probably is, that the cases brought before them are generally petty, and the punishments imposed by them light. The disinclination to inflict severe penalties continues to mark the administration of justice by these gentlemen.

It has been objected that the measure has not led to any reduction of the stipendiary magistrates, and that the absences of these gentlemen are frequent and prolonged. To this the Chief Commissioner would reply that the first was the least of the results looked for, though, when it is shown that one honorary assistant has disposed of 200 criminal and 131 civil cases in one district, it is impossible to doubt that the stipendiary agency has been greatly relieved. As to the absences of the Honorary Assistant Commissioners, it would be most unreasonable to place any restriction on their movements, and, indeed, the Chief Commissioner rather encourages them to visit other parts of India, and extend their intercourse with their countrymen, instead of living, as formerly, immured in their castles, associating with none but inferiors. It is his intention to induce as many of the talookdars as he can to repair to Calcutta, while the Agricultural Exhibition is being held there.

Since it was at the recommendation of the Chief Commissioner that revenue

as

as well as magisterial powers were first conferred on the talookdars, he is anxious that nothing that appears to tell unfavourably in the exercise of the latter authority should be kept out of view, and, therefore, he omits nothing that has been said on the subject. The increase in revenue suits is only 240; of these 200 were in the jurisdiction of Chowdree Gopal Sing, of which, as before observed, only a very small portion consists of his property. In the district courts the increase has been greater. The Chief Commissioner agrees with those who hold that the more liberal and considerate the landlord, the fewer revenue cases will there be on his estate: but that they should be more numerous in the eastern districts of Oudh is to be expected from the known litigious character of the population of those parts, which is so largely composed of high-caste Brahmins and Rajpoots. On the estate of a landlord of such known benevolence as Raja Roostum Sah, the number of revenue suits is three times as great as in that of Chowdree Hushnut Ali in the west of Oudh, which is of nearly equal size, and of more recent origin. The per-centage of appeals is much the same as last year.

The number of these suits in Maharaja Maun Sing's jurisdiction is not much greater than last year; but the increase in that of the Raja of Amethie, amounting as it does to 122, is very large indeed, and may, the Chief Commissioner fears, be owing to the embittered state of feeling between him and his humble kinsmen. Inquiry is being now made into this matter. The appeals from his decisions are numerous, being 20 per cent., which shows there is no disinclination to make use of this right.

With this exception, the Chief Commissioner has no reason to suppose that revenue powers have been otherwise than judiciously and honestly exercised by the talookdars. The objection to which the bestowal of this authority is open in theory is not advanced now for the first time; it was well weighed before these powers were conferred, nor have the countervailing reasons lost any of their force. The late Officiating Chief Commissioner has said that no case had come before him in which a talookdar had used his revenue powers to obliterate inferior rights, and the Chief Commissioner's experience is to the same effect; and he examined many of their decisions in 1860, to some of which exception had been taken by the district authorities. He can only say that if it is shown that any talookdar is unable to divest himself of bias in the decision of a revenue suit, he will be prepared to allow all tenants holding directly of him the option of instituting suits in the district courts, and similarly of removing thither all suits instituted against them in the talookdar's court.

The late Judicial Commissioner having in his published report for 1861 remarked that of 19 persons punished criminally by Maharaja Maun Sing in one month 11 were convicted for opposition to his processes in the revenue department, and spoken of him as applying his criminal powers in support of his revenue jurisdiction, it seems due to the Maharaja to give equal publicity to the opinion expressed by the late Officiating Chief Commissioner, after an examination of the proceedings in the cases referred to, which is as follows:—"On the whole, he by no means considers that these cases tell against the Maharaja, as the Judicial Commissioner seems to hold they do." A copy of the Officiating Chief Commissioner's letter, No. 1841, of 3d September 1862, conveying this opinion, was submitted to Government.

SECTION XI.—MILITARY.

PART III.—SURVEY.

112. Three professional survey parties were employed in the province; but as the calculations for area have not been closed, the actual out-turn of the season cannot be accurately given.

Captain Anderson's party completed the Roy Bareilly district, and about half of Sultanpore, comprising 1,347 villages, an area roughly estimated at 1,526 square miles, at a cost of 37,200 rupees, giving an average cost per square mile of Rs. 24. 6., and per village of Rs. 27. 9. 10. In addition to the above 188

square miles of forest were surveyed at a cost of 1,755 rupees, or *Rs. 9. 12.* per square mile.

Captain Anderson will finish Sultanpore by the middle of December next, and will then enter Seetapore.

Colonel Vanrenen finished the survey of Lucknow, including a very minute detailed survey of both the city and cantonments, and half of Durriabad: he will complete this district by 1st January next, and will then proceed with the survey of Hurdui. The approximate area surveyed was 1,248 square miles divided into 1,516 village circuits, and the estimated cost 41,000 rupees, giving an average of *Rs. 27. 0. 9.* for each village circuit, and *Rs. 32. 13. 9.* per square mile.

The third party, under Lieutenant Thompson, was organised at the beginning of last working season, and surveyed about one-third of the Fyzabad district.

At the close of the year the districts of Oonao, Pertabghur, Lucknow, and Roy Bareilly had been surveyed, and before January next the surveys of Sultanpore and Durriabad will be finished.

PART IV.—REGULAR SETTLEMENT.

Demarcation of
Boundaries.

113. Mr. Kavanagh, Assistant Superintendent of Demarcation and Survey, who had been temporarily engaged in organising the detailed field parties in the Fyzabad District, was relieved of this duty in the end of October, and enabled to turn his attention to the demarcation of village boundaries.

It having been found that the revenue survey was making greater progress than had been anticipated, an increase was made to the Demarcation Department, to enable it to push on the work more rapidly. Up to the close of the year, 2,759 villages, comprising 2,204 square miles, in the Seetapore and Hurdui districts, had been demarcated and surveyed at a cost of 16,094 rupees, or an average of *Rs. 7. 4. 10.* per square mile.

Annexed is a statement of the result of the operations of the past and preceding years.

SEASON.	Number of Mouzahs surveyed.	Area in Square Miles.	Total Cost.	Rate per Square Mile.	Period in which Surveyed.
			<i>Rupees.</i>	<i>Rs. a. p.</i>	
1859-60 - - - - -	3,789	3,630	74,033	20 6 7	8 months.
1860-61 - - - - -	7,964	5,918	119,088	20 1 11	8 „
1861-62 - - - - -	2,572	2,187	63,892	29 3 5	6 „
1862-63 - - - - -	2,759	2,204	16,094	7 0 10	3½ „

The very great reduction of cost during the past season is attributable to the fact that the landholders were induced by the district authorities, acting under Chief Commissioner's instructions, to demarcate the boundaries of their own villages, referring disputes to a committee of arbitrators composed of the leading landholders, and failing satisfactory adjustment by them, to the demarcation officer. The necessary pillars were also erected by the landholders, so that the work of the Ameens was confined to mapping the boundaries laid down by them.

The demarcation of boundaries is now well ahead of the professional survey. Half of Seetapore, and half of Hurdui, are ready for the survey to commence upon next cold weather; the remainder will be demarcated by 1st January, and Mahomdee by 1st of June next; and as both Seetapore and Hurdui are large districts, their survey will probably occupy nearly two years. The Chief Commissioner has directed Mr. Kavanagh to commence the demarcation of the extensive waste lands and circumjacent villages of the Mahomdee district in November next.

Annexed

Annexed is a statement of appeals against the decisions of the demarcation officers; six only have been interferred with.

Against whose Orders.	Number of Appeals.		Number of cases in which Orders were reversed or modified.	Number of cases in which Orders were upheld.	Number of Appeals pending on 30th April 1863.	REMARKS.
	Pending on 1st May 1862.	Instituted during 1862-63.				
Mr. Bradford S. S. and Settlement.	11	5	3*	11*	2*	* Decided by Commissioner of Baiswara 1 Pending 1 Ditto Fyzabad 1 " 1 Ditto Lucknow 11 Ditto Khyrabad 1
Mr. J. Kavanagh, Assistant	1	24	-	20†	5	† Decided by Commissioner of Lucknow; 5, ditto Settlement Commissioner, 15.
Syed Ali Hussun, late E. A. C.	2	14	1‡	15‡	-	‡ Decided by Mr. Kavanagh 2 in District Sultanpore, and 14 in District Durriabad.
Roy Guneshee Lall, Ex-Assistant Commissioner.	14	13	2	25§	-	§ By Mr. Kavanagh, 2 in District Fyzabad, 20 in Durriabad, and 3 in Seetapore.
TOTAL	28	56	6	71	7	

Twenty-three appeals were preferred to Chief Commissioner; in 17 the orders were upheld, in one reversed, and five cases remained pending.

The total cost of demarcations for the year was Rs. 28,121. 6. 3.

During the year under report the Khusrab or detailed field survey has been in progress in the districts marginally noted. In Oonao but 32 villages remained unfinished at the close of last year; these were surveyed, or rather completed, during this year.

Oonao.
Pertabghur.
Roy Bareilly.
Lucknow.
Fyzabad.
Sultanpore.
Durriabad.

In Pertabghur, 386,042 acres, comprising 755 villages, have been surveyed at a cost of Rs. 31,224. 2. 8., or an average of Rs. 80. 14. 1. per 1,000 acres. The whole of this district has now been surveyed, with the exception of 28 villages, which were originally jungle grants given to Europeans under the old rules of 12 years' rent-free tenure. Twenty-three have been bought in fee-simple by the grantees, and the remaining five have not been surveyed, because the grantees have expressed their intention of purchasing them.

In Roy Bareilly the field survey was commenced in 1861-62, and 83 villages of 49,707 acres, had been surveyed up to 30th April 1862. During the present year 1,163 villages of 6,66,980 acres have been surveyed at an average of Rs. 79. 8. 9. the thousand acres. The average cost of the preceding year was Rs. 148. 9. 4. the thousand acres, but this was owing to the inexperience of the Ameens. The total results up to 30th April 1863 were 1,246 villages of 7,16,687 acres, surveyed at an average cost of Rs. 84. 5. 4. the thousand acres. A portion of one tehseel only remains incomplete.

The field survey in Lucknow was commenced in February 1862, and has been carried on during the past year by Captain Boulderson and Lieutenant Forbes. During the year 1,082 villages, aggregating 6,33,626 acres, have been surveyed, at an average cost of Rs. 93. 6. 6. a thousand acres, making a total up to 30th April 1863 of 1,163 villages, and 7,17,048 acres, at an average cost of Rs. 92. 0. 1. a thousand acres. The survey of two tehseels has been completed, and that of the remaining two tehseels is well advanced.

In Fyzabad the survey party was organized by Mr. Kavanagh in October 1862, and Captain Ouseley took charge at the latter end of that month. In Fyzabad the survey operations commenced in October, and by the 30th April 1863, 120 villages, aggregating 3,47,458 acres, had been surveyed, at an average cost of Rs. 93. 15. 6. the thousand acres.

Less work has been done in Sultanpore than in any other district, and the average cost is very much higher; but it is probable that during the present year this district will show as good an average as any other. Up to 30th April

1863, 192 villages, aggregating 1,09,644 acres, had been surveyed, at an average cost of Rs. 144. 6. 2. a thousand acres.

The first measuring party was started in Durriabad on 23d January 1863. By the end of April 143 villages, aggregating 1,45,411 acres, had been surveyed at an average cost of Rs. 94. 4. 8. I consider these results satisfactory, as the cost of surveying is always higher when operations first commence, owing to the inexperience of the establishments, and to the cost of instruments which have to be procured.

A Return showing the results of the Khusrah survey, in the form prescribed by the Chief Commissioner, is appended. The general result is, that up to the end of April last 6,122 villages, aggregating 36,12,598 acres, or 5,645 square miles, had been surveyed, at a total cost of Rs. 3,16,057. 8., being an average of Rs. 87. 7. 10. a thousand acres, and Rs. 55. 15. 10. a square mile.

The Chief Commissioner has desired the Settlement Commissioner to use his best efforts to enforce greater economy, and he expects the cost will be reduced during the current year. Some reductions and modifications in the establishments for the preparation of records have been made, in view to their more economical compilation, and the work will be more closely checked than heretofore.

On inspecting some of the statements, it struck the Settlement Commissioner that an inordinate quantity of waste land had been entered; this has formed the subject of correspondence, and explanation has been called for.

Forwarded with
letter No. 2273,
dated 5th August.

Assessments.

114. The revision of assessments has been confined to Oonao and Pertabghur. In the other districts the preliminary measures are not sufficiently advanced to admit of settlement officers commencing this portion of their duty.

In the Oonao district three pergunnahs were assessed before the commencement of the year under report, and the revised assessment was put in force from the autumn of 1862. During this year ten more pergunnahs have been assessed, but the new jummas have not been introduced, pending sanction of the Chief Commissioner, to whom these assessments will shortly be reported.

The reduction of assessment in the Oonao district is much less, on the whole, than was anticipated. The great reductions which it has been found necessary to make in some villages having been counterbalanced by enhancement in others, the general result is a reduction of 18,662 rupees; the revised assessment falls at the rate of Rs. 2. 7. 5. per acre on the cultivated area.

In Pertabghur 295 villages were assessed up to the end of the year, the revised jumma being 35½ per cent. in excess of that of the summary settlement. The tehseel to which the settlement officer's operations have been confined, was notoriously under-assessed, and a great increase was confidently calculated upon; but the average rate per acre on cultivation was Rs. 2. 0. 10. These assessments have not yet been reported.

Record of rights.

115. The annexed statement shows the progress made in the investigation of proprietary and under-proprietary rights in the different districts.

STATEMENT of CASES Filed, Disposed of, and Pending before the Settlement Officer of District.

Nature of Cases.	Number of Cases.			Number of Cases Disposed of.					Pending at the close of the Year.	REMARKS.
	Pending at close of last April 1862.	Instituted during the Year.	TOTAL.	By Trial.		By Razzenamahs.	Struck off in Default.	TOTAL.		
				In favour of Plaintiff.	In favour of Defendant.					
For the settlement of a village	1,737	5,496	7,233	132	1,083	13	23	1,251	5,982	
For possession of a share in a village.	737	8,140	8,877	243	1,411	139	37	1,830	7,047	
Application for record of intermediate rights in talookas.	648	4,052	4,700	173	421	4	21	619	4,081	
TOTAL - - -	3,122	17,688	20,810	548	2,915	156	81	3,700	17,110	

STATEMENT of APPEALS Instituted in the Courts of Settlement Officers.

Nature of Cases.	Number of Cases.		TOTAL.	Number of Cases Disposed of.			TOTAL.	Pending.	REMARKS.
	Pending at close of April 1862.	Instituted.		Confirmed.	Modified.	Reversed.			
For the settlement of a village - -	28	113	141	121	6	8	135	6	
For possession of share in a village -	8	96	104	65	6	12	83	21	
Application for record of intermediate rights in talookas.	5	84	89	24	9	1	34	55	
TOTAL - - -	41	293	334	210	21	21	252	82	

In Oonao there are few talookas, and the claims to under-proprietary rights are not numerous; the investigations have been systematically conducted and good progress has been made.

In Pertabghur, on the other hand, the tenures, chiefly talookdaree, and claims to under-proprietary rights, abound. The population of the East of Oudh is very litigious, and the talookdars, many of whom are women and under the influence of their Karindas, are said to contest every inch of ground; and in the face of these difficulties the investigation has proceeded at a slow pace. The Chief Commissioner, however, thinks that greater progress should have been made, and has intimated that he looks for better results next year.

116. Annexed is a Statement of Appeals instituted in the Commissioners' Appeals. Courts up to 31st December, and another of those disposed of by the Settlement Commissioner.

By Commissioner of	Districts.	Pending at close of April 1862.	Instituted up to close of December 1862.	TOTAL.	Confirmed.	Reversed.	Modified.	Pending at close of December 1862.	REMARKS.
Lucknow - -	Lucknow - -	6	10	16	10	2	-	4	* Transferred to Settlement Commissioner.
	Oonao - -	20	96	116	81	5	1	29	
	Durriabad - -	-	1	1	-	1	-	-	
	TOTAL - -	26	107	133	91	8	1	33	
Baiswarra - -	Roy Bareilly - -	-	1	1	-	-	-	1	
	Sultanpore - -	-	-	-	-	-	-	-	
	Pertabghur - -	28	96	124	23	1	23	77	
	TOTAL - -	28	97	125	23	1	23	78	
Fyzabad Division - -	- - -	-	-	-	nil.	-	-	-	
Khyrabad Division - -	- - -	-	-	-	nil.	-	-	-	
GRAND TOTAL		54	204	258	114	9	24	111*	

Nature of Cases.	Number of Cases.		TOTAL.	Number of Cases Disposed of.				TOTAL.	Pending.
	Pending at close of December 1862.	Instituted between January and April 1863.		Confirmed.	Modified.	Reversed.	Razzenamah Filed.		
For proprietary rights in a village	-	95	95	56	6	3	-	65	30
For possession of a share in a village.	-	88	88	40	5	5	2	52	36
Application for record of intermediate right in talooka.	-	89	89	28	23	10	2	63	26
Ditto for reduction of jumma	-	2	2	-	-	-	-	-	2
Boundary dispute - - -	-	25	25	16	-	-	-	16	9
TOTAL - - -	-	299	299	140	34	18	4	196	103

The total number disposed of since 1st January, by Settlement Commissioner, amounts to 196, in addition to 111 cases called for on inspection of the monthly abstracts, as shown in the table marginally noted. On taking up his present appointment, the Settlement Commissioner directed those abstracts to be submitted, and they enable him to exercise a very efficient check over the settlement officers, and to ensure uniformity in the decision of cases throughout the Province. As Financial Commissioner, the Chief Commissioner has disposed of 110 settlement appeals, in 97 of which the original order was upheld, in 11 modified, and in 2 reversed; 16 cases remained pending.

Districts.	Number of Cases.
Lucknow - - -	23
Oonao - - -	3
Durriabad - - -	13
Roy Bareilly - - -	24
Sultanpore - - -	27
Pertabghur - - -	12
Fyzabad - - -	9
Total - - -	111

Preparation of records.

117. The statement subjoined shows the progress made in the preparation of records:—

RETURN showing the Progress in the Interior, Measurement and Completion of Preliminary Records in the Settlement Department during the Year 1862-63.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
Districts.	No. of Mouzars in the District.	NUMBER OF MOUZARS OF WHICH									REMARKS.
		Khusrab and Shujrah are complete.	Khusrab and Shujrah are incomplete.	Cost of preparing Khusrab and Shujrah.	Khuteconee complete.	Khuteconee incomplete.	Wajiboolurz and other Papers complete.	Wajiboolurz and other Papers incomplete.	Cost of preparing Khuteconee, Wajiboolurz and other Papers.	Total Cost, as per Columns 5 and 10.	
				Rs. a. p.					Rs. a. p.	Rs. a. p.	
Lucknow -	1,437	300	1,137	6,592 11 11	269	1,168	1,067	370	3,353 5 2	69,326 1 1	
Oonao -	1,198	345	853	69,022 9 11	410	788	-	1,198	40,693 13 1	1,09,716 7 -	
Durriabad -	918	230	688	13,711 0 2	170	748	-	918	728 1 3	14,439 1 5	
Roy Bareilly	1,475	1,246	229	60,442 9 -	497	978	-	1,475	18,112 13 -	-	
Sultanpore -	274	-	274	16,028 14 11	-	274	-	274	- - -	16,028 14 11	
Pertabghur -	2,556	556	2,000	98,389 11 4	651	1,905	56	2,500	66,774 9 11	1,65,164 5 3	
Fyzabad -	3,588	858	1,024	32,651 9 9	-	1,882	-	1,882	- - -	32,651 9 9	
GRAND TOTAL	11,446	3,535	6,205	3,56,219 3 0	1,997	7,743	1,123	8,617	1,29,662 10 5	4,85,881 13 5	

The charges under this head vary greatly in different districts, and making every allowance for difference in the classification of expenditure and the size of villages, the variations cannot be satisfactorily accounted for. The Settlement Commissioner's attention has been requested to these discrepancies; he remarks in his Report, that a proper check has not been exercised over this expenditure, and states he has now taken measures to reduce it within reasonable limits.

The total cost of settlement operations up to the end of 1862-63 was 8,01,938 rupees, and the estimate for the current year is 7,60,770 rupees.

A copy of the Settlement Commissioner's Report, and the Chief Commissioner's reply, in which several important questions have been more fully gone into than is consistent with the aim of an annual report, have been submitted to Government. Copies of Circulars issued by the Commissioner of Settlement with the approval of the Chief Commissioner, are appended. *

* Appendices,
Nos. 23A to 280.

APPENDIX XV.

(General.—No 638 of 1863).

From the Secretary to Chief Commissioner, Oudh, to the Honorary Secretary, British Indian Association, Oudh; dated Lucknow, 25 March 1863.

Sir,

I AM directed by the Chief Commissioner to express his earnest hope that at the next general meeting of the Association the subject of expenses on marriage will be taken into serious consideration, and some measure be devised for effecting a reduction in the present lavish expenditure on such occasions, whereby properties are encumbered with debt.

2. The Chief Commissioner desires me to remind you of the observations made by his Excellency the Governor General at Cawnpore, to those talookdars who waited on his Excellency there in February last. The Chief Commissioner is aware that the excuse invariably urged by the talookdars for the present custom is, that as they marry into Rajpoot families in the North Western Provinces, no reduction of expenditure is possible unless the latter can be induced to agree to it.

3. But the Chief Commissioner does not admit this to be an insuperable obstacle. The talookdars in Oudh can effect the desired object in respect to all marriages contracted within the limits of their Province, and their example cannot fail to influence the chiefs of the North-Western Provinces. It is no argument against the possibility of a social change, that it cannot be universally and simultaneously carried out. A beginning must be made, and if the Oudh talookdars will take the lead in the movement, the Chief Commissioner would be able to ask the co-operation of the authorities and chiefs of the North-Western Provinces in the work, with far greater chance of success than he can expect at present. He could then point to the example of the Oudh talookdars to show that such a reform is not only possible, but desired by the aristocracy, which the Chief Commissioner firmly believes to be the case.

4. The subject has pressed itself on the Chief Commissioner's notice, more especially at this moment, in consequence of the extravagant expenditure that has lately taken place at the marriage of Rajah Roostumsah's niece, where the Chief Commissioner is credibly informed nearly 35,000 persons were fed for six days. It is astonishing that the talookdars should consider the fame and dignity of their houses promoted by a prodigality that must bring ruin on them. Of what use will it be in after times to point to the splendid alliance made by one of the family, and the feasting and profuse hospitality that was dispensed on the occasion to thousands, when the family has been reduced to poverty and all its estates have passed into other hands. Another such celebration of a marriage as has just taken place at Derah will be the ruin of that noble and loyal family, an event that would cause the Government deep regret.

5. The example thus set by the talookdars is imitated by their humbler kinsmen. Small proprietors are driven to mortgage and sell their properties to provide funds for a marriage, and it has truly been said that a Rajpoot will throw away his birthright to celebrate a marriage. This custom has also been at the root of infanticide, which the talookdars have bound themselves to suppress.

6. The Chief Commissioner hopes you will read this letter to the Association, and tell the assembled talookdars that he entreats them to devise a remedy for the evil, and the most obvious one seems to be to fix a moderate scale of expenditure proportionate to the relative means of each family. He can assure you that every aid in his power shall be given to promote so beneficial a result. It is the subject that most demands the attention of the Association, for the custom the Chief Commissioner has reprobated, must, if persevered in, plunge every great family in Oudh into pecuniary embarrassment; and a needy landed aristocracy cannot discharge the duties of the position Government expected its members to occupy when it conferred on them their estates in perpetuity.

APPENDIX XVI.

EXTRACT, paragraphs 42 and 43 from Annual Administration Report of the Commissioner of the Lucknow Division for 1862-63.

Para. 42. THE return of cases given below shows clearly that the Honorary Assistant Magistrates of this division have not, generally speaking, had a fair portion of work allotted to them, and the police cannot, I fear, chullan cases within their powers to the subordinate magistrates; but the tendency of the police is to ignore the native magistracy, and Deputy Commissioners have have been addressed on this subject. I have only to refer to the work done by Chowdree Gopal Sing to show where attention is paid to the subject, the

Honorary magistrates.

amount of work that may be expected from an honorary assistant; and the Deputy Commissioner of Oonao wishes he had three more like him. More than half the judicial criminal cases decided have been in this officer's court, and three-fourths of the revenue cases, besides all the suits. There are several honorary assistants very desirous of doing more work, and I trust next year such will be allotted to them.

43. In appeals against the decisions of honorary assistants in criminal cases, there are 81 out of 364 cases, of which 71 were confirmed and the rest reversed. This is a fair number of appeals, and does not seem to indicate that the people have any fear of appealing against talookdars, as Mr. Capper hints at. In Durriabad also the Deputy Commissioner asks for more honorary magistrates, and has named Enayet Hossein and Booneyad Hossein.

Captain MacAndrew is likewise in favour of an extension of a system that has been a decided success. If permitted, I would propose the extension of the jurisdiction of several of our honorary assistant magistrates, who have done excellent work; for both here and elsewhere I have examined a very large number of cases in all departments by the honorary assistants, and have never come across one in which their powers have been wilfully abused, and conscientiously believe the measure is one of vast importance to the country, and its final success entirely depends on the officers working it.

(True extract.)

(signed)

_____, Superintendent.

APPENDIX XVII.

EXTRACT, paragraphs 65, 66, 68 and 70, from Annual Administration Report of the Commissioner of the Khyrabad Division for 1862-63.

Political.

Para. 65. THE Honorary Assistant Commissioners appear to have performed their duties satisfactorily. It must be remembered, in considering the amount of work performed by them, that the more liberal and considerate the landlord, the fewer revenue cases will he have; and that if he be influential, he can prevent or allay many a dispute without formal trials. There is a great deal more work done, therefore, than appears in the statements.

66. One of the Honorary Assistant Commissioners, Mirza Shumshere Bahadoor, who devotes a great deal of his time to his honorary duties, and whose zeal for education has been brought to my notice by Captain Thompson, has verbally applied for increased powers as civil judge. I notice this as it formerly appeared that one or more Honorary Assistant Commissioners wished to shirk the labour of deciding civil cases.

68. The Deputy Commissioner of Hurdul states: "Work before the Honorary Assistant Commissioners has increased greatly, 483 cases having been decided in 1862-63, to 236 in the preceding year. The Honorary Assistant Commissioners bestowed considerable attention in the preparation of their cases. Their judgments, as a rule, were sound and just, and appeared to give satisfaction to the public, judging from the small number of appeals instituted from their decisions. As usual, Mahomed Ushruff decided by far the greater number of cases, viz. 248. Out of this number 10 cases were appealed. The order of the lower court was upheld in eight cases, and reversed in two. Of the Honorary Assistant Commissioners, I beg to bring particularly to your notice Mahomed Ushruff, Fuzl Russool, Rajah Hurdeo Bux, Chowdree Hushmut Ally, and Shumshere Bahadoor."

70. The Deputy Commissioner of Baraitch writes: "The only talookdar of this district with judicial powers is Nasir Ally Khan, of Luchmun Kohul. He has a fair knowledge of English, and takes an interest in his work, and his decisions are very fair."

(True extract.)

(signed)

_____, Superintendent.

APPENDIX XVIII.

EXTRACT, paragraphs 87 to 93 from Fyzabad Commissioner's Annual Administration Report for 1862-63.

Para. 87. As previously, the bulk of their work is in the Revenue Department; and the large increase in the number of cases decided by Maharajah Maun Singh and Raja Madho Singh, of Amethee, I do not think altogether a matter of congratulation.

88. I should hail the development of their business in the criminal and civil departments, where they are enjoined to abstain from hearing cases in which they are personally interested, with the greatest satisfaction; but experience convinces me more and more how difficult it is for them to be impartial in many of the revenue cases which come before them, and the better managed and contented estates will show the fewer revenue cases.

89. The orders reversed in the Fyzabad District appear numerous, but I have ascertained that the appeals of 11 defendants in one case were erroneously entered as 11 separate cases, which reduces the number below last year's proportion.

90. The number of criminal cases decided by them is much the same as last year; they have made occasional mistakes; but considering the novelty of the penal code, I think they, as a body, deserve great credit for the way in which they have managed this side of their courts in the present year.

91. The Maharaja of Bulrampore is the only Honorary Assistant who has decided many civil cases, and 38 of his decisions were by confession of judgment; but there is a pretty large proportion of confessions in all the Oudh Civil Courts; and, as remarked in my Judicial Report, it was much better for all parties that the confessions should have been lodged at Bulrampore than that they should have been obliged to make a journey to the Sudder for the purpose.

92. I have formerly reported on the qualifications of all the Honorary Assistant Commissioners in Fyzabad and Gonda, with the exception of Thakoor Shere Bahadoor Singh, whom I stated in my Judicial Report, "to be shrewd, and at the same time very desirous of giving satisfaction." Mr. Carnegie acknowledges the obligations under which he lies to Maharajah Maun Singh. There is no talookdar in the district so capable, by his influence, his local knowledge, and intimate acquaintance with the history of the families of the country side, of being of assistance to the district officer, and I am glad to hear that it has been so readily given.

93. I extract Captain Perkins's opinion of the Sultanpore Honorary Assistants: "The Return given below shows the work performed by each talookdar invested with judicial powers. Raja Lall Madho has decided 263 cases of all kinds; many of these are, of course, petty. This Honorary Assistant Commissioner is mentally qualified to be of much service to Government, but he lacks the qualities of the heart, without which the intellectual gifts are frequently a snare and a delusion. Rajah Jugpal Singh decided 49 cases. His estate is much smaller than that of the Amathee landholder. His tenants are also more satisfied with their lord and master. Raja Madho Pertab Singh, of Koonwar, is shown to have decided 84 cases, but I doubt very much whether everything entered as a case deserves the name of one. I have not much to say about this talookdar, whose chief fault is apathy. Chowdree Surfuraz Ahmad is usually careful and discreet. He avoids the decision of revenue cases in which he himself would be the plaintiff or defendant, and refers these to the Deputy Commissioner. This, I think, speaks well for his intentions. In fact, what is needed to remove the sting from the exercise of revenue powers by talookdars is, that their tenants be permitted to sue in whatever court they prefer. At present many an Honorary Assistant Commissioner's tenant, it is to be feared, submits to injustice rather than take his case before a judge in whose impartiality he has no faith.

"Raja Roostum Shah has only a small hereditary estate in this district. He is too good a landlord to have revenue cases to decide."

APPENDIX XIX.

STATEMENT of CASES Tried by Honorary Assistant Commissioners (Talookdars) in the Province of Oudh, during the year 1862-63.

Names of Talookdars.	Number of Cases decided.				Number of Decisions.									Number of Cases pending.	Per Centage of Appeals on Number decided.
					Appeals.			Confirmed.			Reversed.				
	Criminal.	Civil.	Revenue.	TOTAL.	Criminal.	Civil.	Revenue.	Criminal.	Civil.	Revenue.	Criminal.	Civil.	Revenue.		
Mirza Shumshere Bahadoor -	57	108	81	246	8	3	-	4	-	-	4	3	-	-	4.47
Mirza Aga Jan - - -	48	25	4	77	2	2	-	-	1	-	2	1	-	-	5.19
Banee Singh - - -	1	-	3	4	-	-	-	-	-	-	-	-	-	-	-
Thakoor Sheobux Singh -	3	2	-	5	-	-	-	-	-	-	-	-	-	-	-
„ Jowahir Singh - -	7	1	8	16	1	-	-	-	-	-	1	-	-	-	6.25
„ Goman Singh - - -	-	-	34	34	-	-	-	-	-	-	-	-	-	-	-
Rajah Umrood Singh - -	19	1	6	26	2	-	1	1	-	1	1	-	-	-	11.53
Mirza Ahmed Beg - - -	-	-	9	9	-	-	-	-	-	-	-	-	-	-	-
Raja Hurdeo Bux - - -	24	-	9	33	4	-	-	3	-	-	1	-	-	-	12.12
Chowdree Hushmut Ally -	67	-	15	82	-	-	1	-	-	1	-	-	-	-	1.21
Mohamed Ushruff - - -	196	-	52	248	4	-	6	3	-	5	1	-	1	-	4.3
Moonshee Fuzool Russooq	43	-	3	46	1	-	-	1	-	-	-	-	-	-	2.17
Doll Singh - - -	3	-	3	6	-	-	-	-	-	-	-	-	-	-	-
Bharut Singh - - -	4	-	4	8	-	-	-	-	-	-	-	-	-	-	-
Rundheer Singh - - -	9	-	-	9	-	-	-	-	-	-	-	-	-	-	-
Colonel Boileau - - -	7	-	-	7	-	-	-	-	-	-	-	-	-	-	-
Captain A. Orr - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Major Orr - - -	4	-	-	4	-	-	-	-	-	-	-	-	-	-	-
Mr. G. Schilling - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Captain Banbury - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gunga Singh - - -	13	-	10	23	-	-	-	-	-	-	-	-	-	-	-
Khan Nasir Ally Khan - -	6	12	4	22	1	-	-	1	-	-	-	-	-	-	4.54
Rajah Rutton Singh - - -	51	-	2	53	27	-	-	24	-	-	3	-	-	-	50.94
Chowdree Nawab Ally - -	4	-	1	5	1	-	-	1	-	-	-	-	-	-	20
Sirdar Jhubba Sing Bahadoor	No Criminal power.			-	1	1	-	-	-	-	-	-	-	-	-

STATEMENT of CASES Tried by Honorary Assistant Commissioners in the Province of Oudh, &c.—continued.

Names of Talookdars.	Number of Cases decided.				Number of Decisions.									Number of Cases pending.	Per Centage of Appeal on Number decided.
					Appeals.			Confirmed.			Reversed.				
	Criminal.	Civil.	Revenue.	TOTAL.	Criminal.	Civil.	Revenue.	Criminal.	Civil.	Revenue.	Criminal.	Civil.	Revenue.		
Raja Furzund Ally Khan -	28	-	15	43	1	-	1	1	-	-	1	-	-	-	4.65
Raja Kasheepersaud -	21	-	5	26	3	-	-	3	-	-	-	-	-	-	11.53
Chowdree Gopal Singh -	199	131	407	737	43	5	20	38	13	13	5	2	7	-	10.58
Maharaja Maun Singh Bahadoor.	66	-	421	487	6	-	31	4	-	19	-	-	5	9	7.59
Roy Ibram Bullee -	5	-	3	8	1	-	1	1	-	-	-	-	1	-	25.
Syud Kurm Ally -	2	-	5	7	-	-	5	-	-	5	-	-	-	-	71.43
Kazee Surfuraz Ally -	23	-	9	32	-	-	2	-	-	1	-	-	1	-	6.25
Rana Shunkur Buksh -	20	-	56	76	4	-	9	3	-	5	1	-	4	-	17.10
Lall Sheopal Singh -	2	-	3	5	1	-	-	-	-	-	1	-	-	-	20.
Baboo Dukheenarunjun Moorkerjee.	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-
Chowdree Surfraz Ahmed -	54	-	8	62	-	-	-	-	-	-	-	-	-	-	-
Raja Rustum Shah -	17	3	45	65	-	-	15	-	-	3	-	-	11	1	23.7
Madho Pershad Singh -	18	-	84	102	-	-	-	-	-	2	-	-	-	-	1.96
Syud Banker Hoosein -	18	-	33	51	-	-	1	-	-	7	-	-	4	-	21.57
Maharaja Drigbijey Singh Bahadoor.	26	68	1	95	2	-	-	1	-	-	1	-	-	-	2.10
Shere Bahadoor Singh -	8	6	4	18	-	-	-	-	-	-	-	-	-	-	-
Raja Madho Singh -	73	-	190	263	5	-	40	2	-	14	3	-	4	22	17.11
„ Jugpal Singh -	41	-	34	75	-	-	2	-	-	1	-	-	1	-	2.66
„ Madho Purtab Singh -	24	-	60	84	-	-	4	-	-	3	-	-	-	1	4.76
„ Muhesh Narain Singh -	13	-	-	13	-	-	-	-	-	-	-	-	-	-	-
Baboo Surroopjeet Singh -	8	-	3	11	-	-	-	-	-	-	-	-	-	-	-
Raja Hunwunth Singh -	31	-	18	49	2	-	-	1	-	-	1	-	-	-	4.8
Dewan Hur Mungul Singh -	24	-	1	25	-	-	-	-	-	-	-	-	-	-	-
TOTAL - - -	1,287	357	1,655	3,299	119	20	151	92	14	80	26	6	39	33	8.79

APPENDIX XXIII. (A.)

SETTLEMENT DEPARTMENT.—CIRCULAR NO. 1 OF 1863.

From Charles Currie, Esq., Settlement Commissioner in Oudh, to all Settlement Officers;
dated the 2d January 1863.

Sir,

No. 1.--3090 of
1860.
No. 18.--3994 of
1861.

It having been represented by some of the settlement officers that the preparation of jumabundees, as directed in the circulars marginally noted, is unnecessary in this Province, the subject has been maturely considered, and I have now the honour to convey to you the following instructions, which have received the sanction of the Chief Commissioner:—

2. It is desirable to maintain the principle upon which jumabundees were directed to be prepared, as explained in para. 2 of Circular No. 18, dated 10th December 1861. The term “Jumabundee,” however, seems to have given rise to some uncertainty as to the nature of the document required, and it is necessary, therefore, to explain that the object in view is to obtain a trustworthy record of the rent-roll of a village, as adjusted after the declaration of the revised juma by the settlement officer.

3. The khuteonee, as at present prepared, does not furnish such a record. This document is, according to the statement of several settlement officers, drawn up shortly after the preparation of the khusrah, and prior to the determination of the revised juma. In fact, the results shown in the khuteonee respecting the rent-roll or assets of a village are taken *quantum valeant* into consideration by the settlement officer when making his calculation for determining the revised juma. He has no other document at his disposal to guide him in any way to a knowledge of the probable assets of the village. The khuteonee will then be understood to be a record of the rent-roll, as far as it can be ascertained, previous to the assessment of a village.

4. A similar record of the rent-roll, as adjusted between landlord and tenant, after the determination of the revised juma, is a document which it is essentially necessary to file with the settlement misl. Every landlord will, therefore, be required to file a schedule of the rent arrangements entered into by him for the Fusly year immediately succeeding the declaration of the new juma. This schedule must be supported by the kapoolyuts taken from the

the cultivators, and include all fields not in the possession of under-proprietors or other intermediate holders whose payments have been fixed by the settlement officers. These schedules will be tested by the Canoongoes; the holdings of persons at fixed rates will be inserted with a view to make the record complete, and the whole will be totalled. They will then be forwarded to the settlement officer, and, after being checked in such manner as he may deem necessary, will be filed with the settlement misl.

5. The submission of these schedules must be enforced, and the latest date for their delivery should be 1st January, immediately succeeding the commencement of the Fusly year, from which the revised settlement comes into operation. The adjustment of the rents should be left entirely to be arranged between landlord and tenant; the settlement officer should refrain from all interference, unless his services are specially called for by one of the parties concerned. In this case it will be necessary for him to determine the rent; but in so doing he must confine himself to the determination of the minimum rent awardable, and will explain that his decision only holds good for one year, unless a longer period is mutually agreed to by the parties concerned.

6. As soon as the schedules above mentioned have been filed, the settlement of the village will be considered complete, and it will revert to the jurisdiction of the ordinary revenue courts of the district. Settlement officers will, therefore, take care to notify the fact to the Deputy Commissioner. Intimation should also be given to my office.

I have, &c.
(signed) C. Currie,
Settlement Commissioner in Oudh.

APPENDIX XXIII. (B.)

CIRCULAR No. 2 of 1863.

From *Charles Currie, Esq.*, Settlement Commissioner in Oudh, to all Settlement Officers in Oudh, dated the 2d January 1863.

Sir,

IN addition to the monthly returns (Nos. 41 to 43) already prescribed, I request that in future you will submit an abstract of all cases disposed of during the month. This return should show the names of the parties concerned, the nature of claim, and the final decision in the cases, the total of which is given in the last column but two of statement No. 43. The entries should be as brief as possible, care being taken to state clearly, but concisely, the grounds on which the claim is preferred, and the principle by which the decision is guided.

2. The return should be prepared in English. If you have not as yet entertained an English clerk, you should do so at once; provided the charge can be met out of the budget grant sanctioned for the current year.

3. With reference to my circular No. 1 of this day's date, the heading of columns 5 and 6 in statement No. 41 should be "Khuteonee complete," and "Khuteonee incomplete," the word "Jummabundee" being erased.

I have, &c.
(signed) C. Currie,
Settlement Commissioner.

APPENDIX XXIII. (C.)

CIRCULAR, No. 4, of 1863.

From *Charles Currie, Esq.*, Settlement Commissioner in Oudh, to all Settlement Officers in Oudh; dated the 2d January 1863.

Sir,

I HAVE the honour to request that you will conform to the following instructions in the employment of the settlement officers subordinate to you.

2. The assistant settlement officer should be put in charge of one or more pergunnahs, and should be entrusted with the primary investigation of all claims preferred within his jurisdiction.

jurisdiction. He will not, until empowered by me to do so, pass final orders on the following class of cases, viz. :—

Claims to proprietary right in zemindaree villages.

Claims to pookhta holdings in talookas. In such cases he will record the evidence and make all preliminary investigations, and then forward the record with his opinion for your orders. In cases within his competency to decide, appeals from his decision will lie to me direct.

3. The extra Assistant Commissioner will ordinarily be employed in superintending the measurements and the preparing of the settlement records. He will not be entrusted with the investigation of any disputed right; but in Bhyacharah or other coparcenary villages he may usefully be employed in ascertaining and recording the extent of each acknowledged shareholder's holding. Appeals from his order will, as heretofore, lie to you.

4. The determination of the Government demand must in all cases be made by you, but I have no objection to your employing your assistant in making all the preliminary calculations, and preparing the papers necessary to enable you to fix the assessment.

5. When you consider your assistant sufficiently experienced to be vested with powers to decide all classes of cases, you will submit a recommendation to that effect.

I have, &c.
(signed) C. Currie,
Settlement Commissioner.

APPENDIX XXIII. (D.)

CIRCULAR, No. 5, of 1863.

From *Charles Currie, Esq.*, Settlement Commissioner in Oudh, to all Settlement Officers in Oudh; dated 9th January 1863.

Sir,

WHENEVER a claim is preferred in your court for possession of certain lands at favourable rates in virtue of ancient proprietary right, shunkullup, &c., I beg that you will always insist on the land claimed being specified. To ensure this, an extract from the *Khusrah*, showing the numbers and area of the several fields claimed, should be filed with the petition of plaint.

I have, &c.
(signed) C. Currie,
Settlement Commissioner.

APPENDIX XXIII. (E.)

CIRCULAR, No. 6, of 1863, dated 9th January 1863,

Circulates for the information and guidance of settlement officers in Oudh, copy of secretary, Chief Commissioner's letter No. 7; dated 2d January 1863.

(signed) C. Currie,
Settlement Commissioner.

Sir,

I HAVE the honour, by direction of the Chief Commissioner, to request you will instruct all officers engaged in the settlement, to exchange information regarding their method of proceeding for the ascertainment and application of estimated rent and revenue rates, and in obtaining returns of actual assets also, for the determination of the different qualities of soil.

2. You will also require them to impart any information of a kind likely to be useful to each other, and to render prompt compliance with any specific demand for information on any point that may be made on them.

I have, &c.
(signed) J. Reid, Major,
Secretary to Chief Commissioner.

APPENDIX XXIII. (F.)

CIRCULAR, No. 7, of 1863, dated 9th January 1863, .

FORWARDS a revised form of statement, No. III., for Bhyacharah villages, and requests its adoption in lieu of the one prescribed by paragraph 3, of Circular No. 13—2394 of 19th July 1861.

(signed) C. Currie,
Settlement Commissioner.

Revised Form of Statement No. III. for Bhyacharah Villages.

[illegible]

APPENDIX XXIII. (G.)

CIRCULAR, No. 18, of 1863.

From *Charles Currie, Esq.*, Settlement Commissioner in Oudh, to the Settlement Officer
of _____; dated 20th February 1863.

Sir,

I HAVE the honour to request that you will in future substitute the enclosed Forms, Nos. 41 and 42 for those hitherto in use, and attend to the following instructions regarding their preparation. Revenue.

2. The object of Form 41 is to show not only the progress made to the interior measurement and compilation of settlement records, but also the expense incurred in their preparation, distinguishing the cost of actual survey from that of compilation of records. In column 5 will be shown, first, the entire cost of survey up to the end of the preceding month; and second, the cost incurred during the month; this second entry will correspond with column 6 of Form No. 42. In this column of remarks will be given a detail of the establishment entertained for the compilation of records, showing the number of persons employed, the mode of payment (whether by contract or fixed monthly salary), and rate of wages, and you will add any remarks you may consider necessary regarding the progress during the month, being satisfactory or otherwise. With reference to the instructions given below, regarding the mode of filling in column 5 of Form No. 42, you will remember to enter in column 10 of Form No. 41, a moiety only of the salary of the supervising establishment, while such establishment is engaged in supervising both survey and preparation of records.

3. The object of Form No. 42 is to show the actual progress during the month of the Khusra survey, and the expenses of such survey. In column 4 should be entered all expenses incurred, whether in pay of moonserrims, ameens, &c., or in purchase and repair of instruments. In column 5 a moiety of the salary of the supervising establishment, including travelling allowance and general contingent charges, should be entered when such establishment is engaged in supervising both survey and preparation of records. At the back of this return will be given the details of columns 4 and 5; and as the ameens are paid according to the work they do, it will be necessary to show the average amount of work daily done by each ameen, and the average monthly pay allowed to each ameen. Whenever this average is higher than usual, a note should be entered in the column of remarks explaining the cause.

92.

L 2

4. Whenever

4. Whenever instruments are transferred from one *zillah* to another, their cost should be demanded at such rate as may mutually be agreed on by the settlement officers of the two districts. The sum so received should be credited to the cost of survey, and entered in column 5 of Form No. 41, as a deduction from the total for the month in which the money is credited in the treasury.

APPENDIX XXIII. (H.)

CIRCULAR, No. 20, of 1863.

From *Charles Currie, Esq.*, Settlement Commissioner in Oudh, to the Settlement Officer
of ; dated the 6th March 1863.

Sir,

IN forwarding, for your information and guidance, the following instructions regarding the preparation for the administration paper, or *Wajib-ool-urz*, I beg to draw your attention to section 167 of the directions for settlement officers, and more particularly to section 33 of the *Seharunpore Rules*. I cannot too earnestly impress upon you the necessity for strictly excluding from these records all "speculative provisions not required by existing rights and usages," nor can you be too careful in abstaining from recording customs as you consider they ought to be, rather than as they are.

2. The *Wajib-ool-urzes* will be divided into some or all of the headings hereafter given, and I annex general instructions regarding the subjects which should be recorded under each heading. You and your assistants will, however, be responsible for carefully scrutinising the entries in each paper, and seeing that they are not all made exact counterparts of one another.

3. The subjects to be recorded may be primarily divided into two main classes, viz., firstly, those descriptive of the rights of the proprietor; and, secondly, those descriptive of the privileges of the tenants. The customs and usages of the village, as affecting the rights of the proprietor, should be entered under the following headings:—

I. History of the Village.—As the *Wajib-ool-urz* is intended to be a record of the whole constitution of the village, it is necessary, for a clear understanding of the present usages of the village community, to describe, as far as it can be ascertained, the past history of the village, from the earliest period to which it can be conveniently traced. In talookas, the history of the talooka should be recorded in the *Wajib-ool-urz* of the village which gives its name to the talooka. Should a talooka have been formerly, wholly or in part, by the incorporation of villages, singly or in clusters, the mode and date of such incorporation, whenever notoriously known, or ascertained during the investigations into subordinate rights, should be recorded; but no inquisitive inquiry into the method by which a village was brought into a talooka should be permitted. The history of different great families or clans of rajpoots, or other tribes found inhabiting a number of villages, should be recorded in the principal village belonging to the clan (*peer ganw*). The materials for this record will generally have been brought together in the evidence placed on record during the investigations into the claims preferred for proprietary or other rights in the village. Where such is not the case, they can be obtained from the canoongoes, putwarees, and villagers. Endeavours should be made to render these records as accurate as possible; for the information thus obtained would greatly facilitate the compilation of a history of the province. It cannot but be a matter of interest to officers engaged in the settlement to trace the fortunes of the several clans now found resident in Oudh, and I therefore feel confident that they will willingly exert themselves to obtain the information necessary to make this portion of the *Wajib-ool-urz* a valuable record. The history of families and clans, which will form part of the Settlement Report, will be compiled from the details entered in the *Wijab-ool-urzes*.

II. Record of the present Proprietors, defining their Holdings, and the Distribution of the Government Demand on each separate Tenure.—This should be something more than a copy of the *Khewut*, and should show not only the thokes and puttees (if any) into which a village is divided, with the names of the proprietors of each, but also give the amount of land contained in each, in a form similar to that appended to this Circular.

III. The Collection of Rents and Rendition of Accounts, and Payment of the Government Demand.—Here the village customs and usages in these matters should be recorded; as, for instance, how far the *lumberdar* may interfere in the collection of rents generally throughout the village; whether the proprietors are to pay rents at the same rates as cultivators, receiving their share of the profits; or whether they are to hold their land, and how much, at favourable rates? How the Government demand is to be met, in the event

event of the rents due from cultivators being insufficient to pay it? How the accounts are to be rendered; whether by the lumberdars in a body, or by each lumberdar to his constituents? By whom the lands common to the whole community, or to a particular puttee, are to be given out to cultivators, their rents determined and collected; who has a right to bring waste lands under cultivation, on what conditions, and to what extent? What are the Sayer collections, such as the produce of baughs, fisheries, cesses, &c., &c.; who is to collect them, and how are they to be credited? Who is to have the control of the village expenses; and is any, and what, check to be placed on such expenditure? These and all similar matters will be recorded under this heading.

IV. Right of Transfer and Succession.—In the older provinces it is customary to declare under this heading that such and such persons are successively to have a right of pre-emption. This is objectionable. The law gives every proprietor the right of transferring his property to whomsoever he pleases (see Section 26, Regulation IX., 1805), but does not allow the right of pre-emption, except under the circumstances detailed in Act I. of 1841. It is unnecessary to record rights granted by law, and worse than useless to attempt to shackle those rights with conditions which the courts will not recognise. It would be better, therefore, in this province to say nothing about transfers, unless the parties concerned desire it, and on no account to enter into minute details. The general custom of the village in regard to successions will, of course, be noted.

V. Appointment and Removal of Lumberdars.—Provision will be made for the appointment of lumberdars, on the occurrence of a vacancy by death or removal; and the right of the community to remove a lumberdar on account of continued absence, constant default, or other misbehaviour should be recorded.

VI. Groves.—Under this heading a list of the groves existing at the time should be given, and their tenures fully described, and under what conditions the privilege of planting and cutting groves is to be exercised in future.

VII. Rent-free Holdings.—Tenures released by Government in perpetuity, or for life of the incumbent, should be distinguished from common village maafees. As regards the former, the date of the order releasing it should be entered; and, in life tenures, it should be determined what is to become of the land on the death of the incumbent; whether it is to be settled with the heirs of the maafeedar, or to relapse into the possession of the proprietor; and, also, whether it is to become the common property of the whole village, or to be incorporated in one, and which puttee. When settled with the heirs of the deceased maafeedar, is the huk malikana to be a perquisite of the lumberdar, or to be credited in the accounts as a Sewaie collection, or what course is to be pursued? With reference to common village maafees, it should be explained whether they are chakrana tenures, or simply held at the pleasure of the proprietor.

VIII. Rights of Irrigation from Tanks, Tulaos, Wells, &c.—Particular attention must be paid to the entries under this head, and care must be taken to record accurately who has a right to take water from each tank and tulao, and for what period. Wherever this right is exercised by a village separated from the tulao by one or more villages, that right must be recorded in the Wajib-ool-uruz of each village through which the water passes, and the right of constructing and repairing, or renewing the water-course, must be distinctly described, with any conditions that may exist as to its width and depth. A list of all masonry wells will be given, and the right of all persons entitled to take water from them will be recorded. As regards kutchas wells, it will only be necessary to record any particular custom that may be found to exist in regard to the privileges accruing to those who construct and maintain them at their own expense.

IX. Abadee, Seraies, and Bazaars.—It is necessary to record who has the right of disposing of vacant ground within the village, and of building houses, with or without the permission of the lumberdar. Wherever there are seraies or bazaars, it should be stated whether fees are, or are not, to be levied from them; and if fees are collected, then by whom, and for what purpose.

X. Grazing and Manure.—The village customs can easily be ascertained. It is sufficient to remind you that the right to manure-heaps is a constant source of quarrels and affrays, and it is consequently advisable to obviate future disputes, as far as possible, by bringing the people to an understanding, and recording any voluntary arrangement they may make on the subject.

XI. Appointment and Remuneration of Village Servants.—Here will be described the arrangements that may already exist, or may be agreed to for the future in regard to the appointment and remuneration of putwarees, chowkeedars, and other village servants.

XII. Arrangements to be made in consequence of the Increase or Decrease of the Village Area from fluvial Action.—This heading will only be inserted in the Wajib-ool-uruzes of villages subject to fluvial action, and is intended to provide for the record of any custom that may prevail in regard to a re-distribution of holdings, or of jumma owing to the action of rivers.

4. The above headings will be found sufficient for the record of all matters affecting the rights of proprietors and under-proprietors in possession of entire villages.

XII. Under-proprietors in Possession of less than entire Villages.—Here will be given a list of all persons who have been voluntarily admitted or judicially declared entitled to under-proprietary rights, and the nature and extent of those rights.

XIII. Cultivators.—Under this heading the privileges accorded to cultivators in regard to the use of wood for agricultural implements, grass for thatching their houses, firewood, &c., &c., should be detailed.

5. In talooks, one Wajab-ool-urz will generally be sufficient for all the villages in the talooka, in which there are no under-proprietary rights, unless it is found that the customs prevailing in any of the villages in regard to their internal economy, are so materially different from the generality, as to render it necessary to prepare a separate administration paper for them. Whenever villages have been declared pookhta, a separate Wajib-ool-urz will be required to record the rights and privileges of the pookhtadars and their tenants. So also, when there are under-proprietors, more or less, a separate Wajib-ool-urz should be prepared; but it will not be necessary to fill up all the headings in detail; it will be sufficient to refer to the entries in the Wajib-ool-urz of the talooka. Heading No. XII. relating to under-proprietary rights will be the only one, probably, requiring full and detailed entries.

6. Generally in—

I. Talooka villages in which there are no under-proprietors, and in zemindaree villages held by single proprietors; headings Nos. 1, 6, 7, 8, 10, 11, and 13 will be applicable.

II. In bhyachara villages, or pookhtadaree villages in a talooka, *i.e.*, where the talookdar gets only a malikana or fixed rent, headings Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13 will be required.

III. In talooka villages where there are under-proprietors, more or less, heading No. 12 will alone be necessary, it being presumed that the details of the other headings are included in the general Wajib-ool-urz of the talooka.

IV. In zemindaree villages where there are many sharers, headings Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13 will be required.

RECORD of HOLDINGS.

1	2		4	5	6	
Name of Thoke.	Name of Puttee.	Name of Putteedar.	Amount of Share.	Amount of Land.	Jumma.	

APPENDIX XXIII. (I.)

CIRCULAR, No. 22, of 1863.

From *Charles Currie, Esq.*, Settlement Commissioner in Oudh, to the Settlement Officer of ; dated 14th March 1863.

Sir,

Revenue.

IN modification of paragraph 20, of Circular No. 14, of 1861, I have the honour, with the approval of the Chief Commissioner, to issue the following instructions:—

2. Small rent-fee holdings in villages will be assessed, and the settlement office will determine and record whether, as they lapse on resumption, they are to revert to the zemindar, and be incorporated in the village in which they are situated, or are to be settled with the heirs of the grantee.

3. In

3. In the latter case the the ex-maafedar will be, in respect of his holding, on precisely the same footing as any other proprietor of separate lands in the village (though, of course, without any title to shamilat). Where the holding is very large and compact, it may be advisable to settle it as a distinct mehal; but otherwise it may be best treated as a separate puttee, the ex-maafedar being appointed lumberdar, and paying direct to Government; or, if he prefers it, paying through the talookdar or another lumberdar with 5 per cent. additional as prescribed in such cases, and in accordance with the rules laid down for the appointment of lumberdars.

APPENDIX XXIII. (J.)

CIRCULAR, No. 24, of 1863.

From *Charles Currie, Esq.*, Settlement Commissioner in Oudh, to the Settlement Officer of ; dated Lucknow, 19th March 1863.

Sir,

I HAVE the honour to draw your attention to the following remarks made by the Chief Revenue Commissioner on the subject of under-proprietary rights in talookas. These remarks have been elicited by a correspondence relating to the procedure adopted by the settlement officer of Pertabghur in regard to these rights, as explained in his Revenue Annual Report. That officer issued an order to the effect that all under-proprietary rights must be claimed and proved in the Settlement Court before they could be recorded, and stating that in many instances persons undoubtedly possessed of these rights have refrained from claiming them, thinking it better to rest contented with the privileges they enjoy than to put themselves in opposition to the talookdar by claiming to retain these privileges as an under-proprietary right. Enquires what reply should be given to these persons hereafter when they learn that, owing to having failed to claim their rights at the settlement, they have lost all power of substantiating them. With reference to these remarks, it was suggested that the better course would have been not to have fomented litigation by directing all under-proprietary rights to be claimed and proved prior to record, but to have been contented with recording the facts of possession wherever such fact was undisputed.

2. The Chief Commissioner remarks that he thinks Mr. King is quite right in asserting that all under-proprietary rights must be claimed in order to be recorded, and that they must also be proved unless admitted by the talookdar. In talookas, besides the talookdar, there can be no proprietary right in the land, save what is recorded in the under-proprietary column, the under-proprietor having as full a power of disposal of his property as a talookdar.

3. It is, therefore, very essential that all who fancy they have this right should assert it at settlement, for, the settlement over, the talookdars would be tempted to evict those who were not recorded as possessing under-proprietary rights if they refused to pay enhanced rents. It is to be regretted that persons who have good claims to under-proprietary rights have not urged them, relying on the talookdars continuing to them all the advantages they have enjoyed, because they are at the mercy of the talookdar. It is, therefore, the more necessary that the rule enunciated by Mr. King, should be widely proclaimed in all districts. No claims to under-proprietary right can be heard after the settlement is concluded, so all should be heard now. It would bring discredit on the settlement, and besides, involve a disregard of the orders of Government to maintain all subordinate rights at regular settlement if persons possessing them were encouraged to remain silent about them now, and should hereafter awake (as they certainly will) to find they have let the moment pass by, and the Revenue Courts are closed against them.

4. I have the honour to request that you will make the views explained in the above remarks widely known, and you should be careful to avoid refusing to take up claims now preferred, on the plea that they should have been brought forward earlier.

APPENDIX XXIII. (K.)

CIRCULAR, No. 26, of 1863.

From *Charles Currie, Esq., Settlement Commissioner in Oudh, to the Settlement Officer of ; dated Lucknow, 20th March 1863.*

Sir,

Revenue

I HAVE the honour to forward, for your information and guidance, extract paragraphs 5, 9, and 11 of the Sudder Board of Revenue, North-western Provinces' Circular No. D.D., pointing out what is required of settlement officers in reporting settlements, and copy of their Circular, No. 1, of 1863, regarding the proper mode of filling the column on the second page of the Village Statement No. II, headed in this province "Gross Rental assumed at average Rent Rates."

2. The form in which Statements Nos. II. to IV. are to be prepared was prescribed in Circular No. 13 of 1861, and the form of Statement No. V. is forwarded with this Circular. As regards the entries under minhaie in Statement No. IV., an extra column should be inserted to show the amount of lands exempted from assessment as occupied by groves. A copy of the form so revised is appended to this Circular. The "Gross Rental assumed at average Rent Rates" will be shown in both Statements Nos. II. and IV., while the assets, as estimated by the settlement officer from all available sources of information, *i. e.*, nikasee or putwarees' papers, talookdars' accounts, records of kham management, with additions for seer or palpable under-statements of rental, will appear in the miscellaneous remarks in Statement No. II.

3. In reporting your settlements, I have the honour to request that you will pay especial attention to the instructions now issued for guidance, as in a new country, where we have not the experience of former settlements to guide us, and where rent rates either do not exist at all, or have not yet assumed a normal condition, and the village papers of past years are not forthcoming, or are totally untrustworthy, it is more particularly necessary that the settlement officer should fully explain the method he has adopted for deducing average rent rates, and estimating the gross rental of each village.

No. IV.

GENERAL STATEMENT in Acres of Pergunnah

or Talooka

Zillah

Pergunnah or Talooka.		Village.	RESULT OF SURVEY.										Total Malgozaree.	Gross Rental assumed at average Rent Rates.	JUMMA.		Detail of Sub-Proprietary Holdings.		Average Rate per Acre.		Remarks.	
1	Number.		Total Area.	Unculturable Waste.	Baghs.	Maafco released by Government.	Total Minhaie.	Deduct.		Malgoozaree.					Summary Settlement.	Proposed.	Amount of Land.	Amount of Rent.	On Total Area.	On Malgozaree.		On Cultivated Land.
								Culturable Waste.	Baghs.	Uncultivated.	Cultivated including Fallow.											
											Irrigated.	Not Irrigated.										
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
			Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres					Acres						

No. V.

ANNUAL JUMMA STATEMENT of Pergunnah

or Talooka

Zillah

No.	Village.	Jumma of the last Year of the expired sum- mary Settle- ment.	PROPOSED JUMMA.																		
			1863-64.	1864-65.	1865-66.	1866-67.	1867-68.	1868-69.	1869-70.	1870-71.	1871-72.	1872-73.	1873-74.	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.	1881-82 to

N.B.—To be filled up only when a Rusdee Jumma is proposed.

CIRCULAR ORDER, No. 1, of 1863.

From Secretary, Sudder Board of Revenue, North-Western Provinces; dated Allahabad, Revenue.
27 January 1863.

Sir,

THE instructions in paragraph 73 of "Directions for Settlement Officers" have by some officers been understood to require that the estimated or ascertained actual net assets of each village should be shown in the column headed "Value assumed at average Rent Rates" on the second page of the Village Statement No. II. The Board, therefore, direct attention to the following remarks and rules regarding the proper mode of filling that column.

Present: W. Muir,
Esq., senior member,
and R. Money, Esq.,
junior member.

2. It is intended, as the heading imports, to show the value at average rent rates; and the average will either be that of the whole pergunnah, or (where the villages of a pergunnah have been separately classed) of the particular class to which the village belongs.

3. The average rent rates of a pergunnah can only be ascertained with perfect accuracy by deducing them from the ascertained total rent of every acre of cultivated land that the pergunnah contains; but the provision in Section 2, Regulation IX., 1833, was intended to obviate the necessity for making such minute inquiries which so retarded the progress of settlements under Regulation VII., 1822, as to render that enactment almost inoperative for purposes of assessment. The settlement officer is, however, expected to ascertain, by all available means, the rents that prevail in the pergunnah, and from these he should deduce the averages on which the entries in the column of "Value" in the No. II. Statement should be calculated.

4. The settlement officer should carefully study and follow the instructions contained in the Board's Circular, No. D. D., dated 13th October 1862, and paragraphs 47 to 67 of the directions for settlement officers, and the result of his inquiries in regard to each village, recorded under the heading "Miscellaneous General Remarks," should afford all the information that is necessary to enable the Board to form an opinion as to the propriety of the assessment. These remarks should include all information as to the actually ascertained rental, or estimated rental, based on ascertained or presumed facts special to the estate in question; and if the settlement officer has tabulated his information in the mode suggested in paragraph 54 of the directions, an extract of the entries appertaining to each estate might advantageously be transferred to the statement.

5. Some officers has erroneously inferred, from section 183 of the directions for settlement officers, that the No. II. statements are not intended to be submitted to the Board, and it is possible that this misconception may have operated to make them less careful than they should be in recording their remarks in the manner above indicated.

I have, &c.

(signed) G. H. M. Batten,
Secretary.

Extract Paragraphs 5, 9, and 11, of Circular Order, No. D. D. of 1862; dated 13 October 1862, of the Sudder Board of Revenue, North-Western Provinces.

Para. 5.—The manner in which the “average rent rates” have been arrived at requires the fullest illustration. The extent to which actually prevailing rents for each class of soil have been personally inquired into, and the process of induction by which general average rates have been deduced from such inquiries or from other sources (as the papers of Kham and Court of Wards, villages, suits for rent, &c.), must be explicitly stated. These rates are the basis of all the general calculations, and the chief means of effecting a fair comparison of the pressure of the revenue in different villages; and the Board cannot too strongly urge on their settlement officers the necessity of the utmost care and labour in determining proper rates, and the necessity for satisfying the Government that the rates adopted are both adequate and moderate.

Para. 9.—Exhibition of the result of the rates in the case of each village, as entered in Statements II. and III. The most carefully prepared rates are, of course, nothing more than an average approximate standard from which actual details will vary to an indefinite degree. Therefore, while the reason of actual assessments varying from the rates must be explained, the fact of an assessment being in accordance with them does not supersede farther remark. Under the head of “Miscellaneous remarks by Collector,” the explanation must be such as to show that the settlement officer has well studied the peculiar circumstances of the estate; has fully satisfied himself of its resources and capabilities, has marked its former history, its tenure, and whatever else in the habits of the proprietors and cultivators affects its prosperity; and has taken every means for ascertaining the present rental, and any reasonable expectation of future development; and that, holding all these results in his mind, he has exercised a sound discretion in his final judgment as to the Government demand.

Para. 11.—A settlement officer ought to visit every village before he assesses it, and make notes of the appearance of the soil and quality of the crops. His personal observation, aided by the knowledge he should have acquired of the description or class of the cultivating community, will enable him to estimate the average rent per beegah, or acre, with a very close approximation to the true value. This process is very necessary where rents are paid in kind, and generally when there is any doubt of the correctness of the Putwaree's returns.

APPENDIX XXIII. (L.)

CIRCULAR No. 34 of 1863.

From *Charles Currie, Esq.*, Settlement Commissioner in Oudh, to the Settlement Officer of; dated Lucknow, 23 April 1863.

Sir,

UNDER directions from the Chief Commissioner, I have the honour to request that whenever there is a considerable amount of irrigation from jheels, you will divide Column 12 of the Khusrah into two columns, the one to show the amount of land irrigated from wells, and the other that, irrigated from jheels. In the vernacular the former will be headed “Chahee,” and the latter “Abee.”

APPENDIX XXIII. (M.)

[This paper is the Circular of the Settlement, No. 46 of 1863, given in the Chief Commissioner's Letter of the 13th June 1863—*post*, page 86].

APPENDIX XXIII. (N.)

CIRCULAR No. 47 of 1863.

From *Charles Currie, Esq.*, Settlement Commissioner in Oudh, to all Settlement Officers in Oudh; dated Lucknow, 10 June 1863.

Sir,

WITH reference to Settlement Ruling No. 8, directing that the assessment of a village should not be declared until the proprietary right in the village has been judicially determined,

mined, I have the honour to observe that, under this rule, it will not be necessary to delay the declaration of assessments in Zemindaree and Putteedaree villages in which the rights to shares only remain undetermined. The settlement in such cases can be concluded with the parties already recognised as proprietors.

2. Similarly in talookdaree villages the declaration of assessment need not be delayed until the shares of an under-proprietary community in a pokhta holding have been ascertained and recorded. But it will be necessary to determine the amount of rent which the pokhtadars are in future to pay to the talookdar before the assessment is declared.

3. Settlement officers will, therefore, make arrangements to complete their investigations into the proprietary right in all villages not included in a talooka, and into all claims to hold pokhta or to other under-proprietary rights in talookdaree villages by the time that they are prepared to declare the revised assessment in any pergunnah. As soon as their assessments are ready to be declared, they will go over all the cases in which rights of the above nature have been awarded, and will fix the rent to be paid hereafter by the under-proprietors, if this has not been done already. Having done this, they will no longer have any reason to delay declaring the revised assessment.

4. The investigation into claims to fractional interests or specific portions in Zemindaree and Putteedaree villages should be deferred until those of greater importance have been decided, though, of course, settlement officers will understand that if they have time to do so they are at liberty to take up and dispose of such cases before the assessment is declared. The principal object of this circular is to impress on settlement officers the necessity of pushing on the revised assessments as quickly as possible, with a view to give Government the benefit of the increased revenue, and at the same time to point out that revised assessments cannot be declared until certain classes of cases have been disposed of, and that it is, therefore, their duty to take care that Government suffers no loss by the introduction of revised assessments being delayed in consequence of such cases not having been investigated and decided in proper time.

APPENDIX XXIII. (O.)

CIRCULAR No. 48 of 1863.

From *Charles Currie*, Esq., Settlement Commissioner in Oudh, to the Settlement Officer of; dated Lucknow, 9 July 1863.

Sir,

WITH reference to the replies to my Circular No. 36, dated 1st May 1863, regarding the mode of entering in the khusrahs lands irrigated from jheels, I have the honour to inform you that the Chief Commissioner agrees with me in thinking that the present system of recording facts as they exist, *i.e.*, entering in Column 12 the fields actually under irrigation in the year the survey is made, is the correct one. Ameens should be positively restricted to the record of actual facts, and it is the duty of the settlement officer, when visiting a village for purposes of assessment, to satisfy himself how far those facts are nominal or exceptional.

Foreign (Revenue) Department.

Extract.—The Governor General of India in Council to Sir *Charles Wood*; dated 19 September (No. 17) 1864.

2. THE subject of the land tenures in Oudh has engaged our attention, and a Despatch will be addressed to you as soon as we are in receipt of the Advocate General's opinion on certain points connected therewith, which we have considered it necessary to refer to him. Meanwhile we have not deemed it expedient to delay giving Mr. Wingfield the assistance which he requires, and has asked for.

(Foreign Department, Revenue.—No. 10.)

To the Right Hon. Sir *Charles Wood*, Bart., G.C.B., Her Majesty's Secretary of State for India.

Sir,

Fort William, 22 November 1864.

WITH reference to paragraph 2 of our letter to your address, No. 17, dated 19th September last, we have the honour to forward, for the information of Her Majesty's Government, copy of a correspondence, of which a list is given in the accompanying abstract of contents, on the subject of land tenures in Oude.

A perusal of the minutes recorded by the several members of our Government will acquaint Her Majesty's Government with the opinions entertained by us on the important questions to which a consideration of the subject has given rise, and we beg to refer you to our letter to the address of Mr. Wingfield, No. 284, dated 30th September, which contains our orders in the matter.

We have, &c.

(signed) *J. Lawrence.*
R. Napier.
H. B. Harington.
H. S. Maine.
C. E. Trevelyan.
W. Grey.

From the Secretary to Chief Commissioner, Oude, to the Secretary to Government of India, Foreign Department, with the Governor General; (No. 1701), dated Lucknow, 13th June 1863.

THE Chief Commissioner has had under consideration the question as to the period of limitation which should be fixed for the institution of claims to subordinate rights in talookdaree villages.

Vide paragraph 1 of Record of Rights, circular, No. 2, of 1861, sanctioned by Government of India.

Vide paragraph 8, same circular.

Vide circular, No. 2, of 1861, Record of Rights.

Vide paragraphs 1, 2, 3, 4, and 7 of letter from Government of India, dated 8 January 1861, No. 74.

Vide circular.

2. The Government of India has undertaken to maintain all rights held in subordination to talookdars of which possession at annexation can be proved, and has consented in extreme cases to make some abatement of its own demand if the share intercepted by the subordinate holders does not leave a fair margin of profit to the superior proprietor.

3. It is clearly the duty of the officers engaged in making the regular settlement of the province to ascertain and record what subordinate rights were held at annexation, and should be maintained, in accordance with the Government orders. Instructions for the guidance of settlement officers in dealing with such cases were issued under the approval of the Government of India at an early stage of settlement operations. It is to be observed that the Chief Commissioner's circular, No. 2, on record of rights, was corrected so as to bring it in strict conformity with the orders of Government conveyed in the above-named letter, and further instructions insisting on the duty of settlement officers to search out by every means in their power all such rights, with a view to satisfy Government that every possible exertion has been made to fulfil its engagements, have lately been circulated, and are herewith appended for information.

4. It is clear, however, that, let the settlement officers be ever so careful, and let their inquiries be ever so searching, some claimants may hereafter come forward whose rights have not been investigated. These claimants may have been absent from their villages, or otherwise prevented from preferring their claims, and have thus been overlooked, or, as will more frequently be the case, being in possession of all they have any right to, they may not have considered it expedient to place themselves in antagonism to their superior, the talookdar, by suing to be formally recorded as under-proprietors of their holdings. The representation of the Deputy Commissioner of Pertabghur that this was the prevailing motive, and that it influenced many, drew from the Chief Commissioner the circular to which allusion has been made.

5. While

5. While providing for the admission of suits of the above nature, it is equally necessary to take into consideration the disadvantages arising from an unsettled title to land, and also the feeling of insecurity that must arise if the share of the profits to be enjoyed by the talookdars is always liable to be decreased by the substantiation of claims to subordinate rights.

6. The accompanying circular will show how necessary it is in this province, where the subordinate proprietary right is generally shown in a low rent on the holding, and where nearly every Brahmin and high-caste Rajpoot cultivator pays a lower rent than other classes of cultivators, simply because he is of a higher birth, that the fact of the possessor of these advantages being an under-proprietor (and therefore having complete property in his holding) or not, should be registered on the record of settlement; otherwise, as the landlord will certainly in course of time raise the rents of those who hold by mere favour nearer to the level of what other cultivators pay, there is danger that the rights of under-proprietors may be overborne at the same time. On the other hand, the talookdar would be placed at great disadvantage in defending himself years hence against the claims which those who are merely cultivators now might hereafter advance to be recorded as under-proprietor.

7. With reference to these considerations, the Chief Commissioner proposes to follow the spirit of Act XIII. of 1848, which limited the institution of regular suits to set aside the decisions of settlement courts to a period of three years from the date of the final award. In the North-Western Provinces the decisions of settlement officers were liable to revision by the civil courts, but in Oude, where the settlement courts exercise the jurisdiction of civil as well as of revenue courts in regard to claims to rights in land which can be heard in the first-named courts, only regular suits to set aside the decision of settlement officers would, of course, be superfluous; but, as explained above, errors and omissions may occur. The settlement records should, therefore, be liable to amendment for a reasonable period. The term fixed by Act XIII. of 1848 appears to be applicable to such suits, and the Chief Commissioner advocates its adoption as the period indicated in Section 20 of the draft Act within which the jurisdiction of the civil courts in regard to suits for right in land is barred.

8. The Chief Commissioner trusts that the instructions contained in the circular, copy of which is appended, will satisfy Government that he is anxious there should be no disregard of rights that we have engaged to protect, while at the same time the true interests of the province are promoted by determining as early as possible all claims to a proprietary right in land, more especially when such right is held in subordination to a talookdar, as it is unreasonable to expect a talookdar to make efforts to improve land the control of which may at any time pass from him to an under-proprietor.

9. But it appears to the Chief Commissioner necessary to do something more than to fix a term of limitation for the institution of these claims in the revenue courts. It is contemplated eventually to place all suits for rights in land, other than the superior proprietary right in talookas and granted estates, under the jurisdiction of the civil courts after the completion of the regular settlement or expiry of the subsequent period above referred to.

See Draft Act, section 20.

10. Now it seems a question open to doubt whether those courts administering the laws passed by the Legislature would consider themselves bound by the orders of Government to maintain those inferior rights only of which possession was enjoyed at annexation, a point on which much stress is laid in the settlement rules. They might argue that the Act of Parliament of 1860 merely declared that the rules framed by the Governor General for non-regulation provinces were not invalidated solely by reason of their not having gone through the process of legislative enactment, but did not compel the courts to be governed by the rules when opposed to the provisions of Acts of the Legislature. In the instance cited, therefore, they might apply the Statute of Limitation to the claim, and entertain it if it came within the term therein fixed, and thus revive rights lost before annexation, contrary to the express orders of Government.

11. In like manner the courts might hold themselves at liberty to take up a claim to under-proprietary right in a talooka which had not been preferred at settlement, the party, for reasons above explained, though in possession, not

having advanced it then. Section 20 of the draft Act limits the jurisdiction of the civil courts to claims which accrue after the expiry of the period fixed, but they might consider the claim to accrue from the date of dispossession, and might proceed to inquire into the right. Thus no lapse of time would prove a protection from the institution of such suits if preferred within the period of limitations, *i.e.*, 12 years from date of dispossession. If "rights" had been the word used in the Act instead of "claims," there might be less room for apprehension, but the Chief Commissioner does not feel at all easy as to the interpretation that the civil courts might put on the word "accrue."

12. It is obvious that, if such claims are admitted by the civil courts, and decided on principles other than those by which the settlement officers have been guided in disposing of claims of a similar nature, serious evils must ensue; the Chief Commissioner, therefore, proposes to amend Section 20 of the Act by substituting the words "all claims respecting the proprietary right in succession to, or possession of, any such land, other than the superior proprietary right in talookas or granted estates, whenever the right claimed is based on the settlement record, or has been acquired subsequent to the settlement, shall, after the expiration of the period so appointed, be heard and determined in the civil courts, &c." for the present language of the Act as quoted in the margin.

"All claims respecting the proprietary right in succession to, or possession of, any such land, other than talookas or granted estates as aforesaid, which accrue after the expiration of the period so appointed, shall be heard and determined in the civil courts."

13. This amendment, the Chief Commissioner thinks, will put it out of the power of the civil courts to entertain claims to rights existing at settlement, but not preferred then or within the subsequent period of three years, and thereby to alter the settlement record. It appears to the Chief Commissioner that the limitation thus imposed on the jurisdiction of the civil courts cannot by any possibility be got over.

14. It seems also necessary to specify "the superior proprietary right" in talookas as the only right in such estates to which the exclusive jurisdiction of the Chief Commissioner is meant permanently to apply. There is no reason why, nor was it, the Chief Commissioner thinks, ever intended that, suits between recorded under-proprietors in talookas should not hereafter be heard in the civil courts. Chief Commissioner, therefore, has made the necessary addition in section 12, clauses 1 and 2; section 13, clauses 1 and 2; section 14, and section 17.

"Other than the talookas or granted estates specified in the list to be made under section 8 of this Act."

15. The Chief Commissioner also proposes to strike out of section 20 the passage marginally lined, as it implies that the settlement of the land revenue now in progress does not embrace the assessment of talookas.

16. A copy of the draft Act, with the proposed amendment marginally marked, is herewith submitted.

CIRCULAR.

To all Settlement Officers in Oude.

I HAVE the honour, by desire of the Chief Commissioner, to issue the following circular of instructions regarding under-proprietary rights in supersession of my circular, No. 24, dated 19th March 1863:—

2. The settlement officer of Pertabghur in his Annual Report for 1861-62 stated that he had issued an order to the effect that all under-proprietary rights must be claimed and proved in the settlement court before they could be recorded. He added that, in many instances, persons undoubtedly possessed of these rights have refrained from claiming them, thinking it better to rest contented with the privileges they enjoy than to put themselves in opposition to the talookdar by claiming to hold these privileges as under-proprietary rights. Mr. King asked what reply should be given to such persons hereafter when they learn that, owing to having failed to claim their rights at this settlement, they have lost all power of substantiating them? With reference to these remarks, it was urged that the talookdars do not contest the fact of present possession of certain advantages, but object to the permanency of the tenure and right of property involved in a degree of under-proprietary right, and that much litigation and ill-feeling would have been avoided had the settlement officer been content with recording the bare fact of possession whenever such fact was undisputed.

3. The Chief Commissioner is of opinion that Mr. King is quite right in asserting that all under-proprietary rights must be claimed in order to be recorded, and that they must also be proved unless admitted by the talookdar. In talookas, besides the talookdars, there can be no proprietary right in the land, save what is recorded in the settlement papers as that of the parties holding an intermediate interest between the talookdar and the ryot; these persons having as unlimited a control over their property as the talookdar enjoys over his. The objection of the talookdars not to take possession of the advantages being recorded, but to the claimants being declared under-proprietors, appears to the Chief Commissioner to involve the whole question. The rights are not complete and permanent unless they constitute an under-proprietary tenure. The record of the fact that a man holds land under a talookdar at a lower rate than most cultivators would prove no right at all, for in Oude cultivators have no right of occupancy at fixed unvarying rents, while Brahmins and Rajpoots hold land at lower rates by virtue only of superior caste, and eventually the talookdar will raise their rents. An under-proprietor might, therefore, be recorded as paying a low rent on his holding, and yet be liable to lose his right to be secured against an enhancement of the demand because he is not entered in the under-proprietary column, and, therefore, is mistaken for a common cultivator.

4. It is, therefore, very essential that all who fancy they have an under-proprietary right should assert it at settlement, for, the settlement over, the talookdars would be tempted to evict those who having such rights were not recorded as possessing them if they refused to pay enhanced rents.

5. It is the intention of the Chief Commissioner to propose to the Legislature by a modification in the draft Bill for regulating the succession to talookas, &c., in Oude, that a period similar to that prescribed by Act XIII. of 1848, viz., three years after the date of settlement, be fixed within which claims to rectify errors and omissions in the settlement record may be preferred to the revenue courts, and that, after the expiration of that time, the civil courts shall have jurisdiction in all claims respecting the proprietary rights in, and succession to, all lands (other than the superior proprietary right in talookas or granted estates) whenever the right claimed shall have been acquired after the conclusion of settlement. The civil courts, therefore, will have no power to take up claims existing at, but not preferred at, settlement, or to alter the settlement record; consequently, persons really possessed of under-proprietary rights, if they do not urge their claims within the period allowed for their institution before the revenue courts, may find hereafter that they have lost them for ever.

6. But this provision does not render it the less essential that the rule enunciated by Mr. King should be widely proclaimed. It is very desirable for the repose and contentment of all classes interested in the soil that the rights of under-proprietors should be determined as early as possible. Incessant revision of the settlement record, with its probable accompaniment of a fluctuation in the talookdar's rental, is much to be deprecated, while discredit would be thrown on the settlement operations, and disregard would be shown to the orders of Government to maintain all subordinate rights at the revised settlement if persons possessed of these rights were suffered, for want of due warning, to remain silent about them now, and to awake hereafter to find they had let the moment pass by, and that the courts are closed against them.

7. With a view, then, to prove that every effort has been made to discover those who possess under-proprietary rights, and to show that settlement officers have done their best to carry out the orders of Government, as quoted in the Record of Rights circular, "to maintain the under proprietary rights as they existed in 1855," the Chief Commissioner desires that the phrase "all under-proprietary rights must be claimed in order to be recorded," may not be understood in a restricted sense. It must not be supposed that rights cannot be inquired into unless formally claimed. The settlement officer must use every endeavour to ascertain if they exist when not claimed. Ordinarily, knowledge of their existence will be first derived from the claim being put forward, but it may happen that settlement officers have, in the course of judicial or revenue proceedings, or in other ways, become aware of the existence of such rights in a village, though no one may choose to claim them, and in that case they must do their best to search them out and record them.

8. Should under-proprietors fail to sue after the issue of a notice calling on them to do so, settlement officers should procure lists of persons said to possess subordinate rights from the talookdar's agent, the canoongoes, or any other reliable source, and should summon such persons and investigate their rights; claimants should always be confronted with the talookdar or his agents.

9. Settlement officers must clearly understand that they are not to act the part of judges of civil courts, hearing only such claims as may be instituted, and deciding on such evidence only as the parties may choose to produce, but that they are expected to employ every available means to establish the true positions relatively to the talookdars of all persons supposed to be possessed of under-proprietary rights, and to do complete justice.

10. In carrying out the above instructions, settlement officers should, as far as may be practicable, lend the weight of their influence to bring about an amicable arrangement

between talookdars and claimants to under-proprietary rights, bearing in mind that it is necessary, even when the right claimed is acknowledged by the talookdars, that such right should be affirmed by a judicial award in order that no doubt as to its nature may hereafter arise.

A BILL to provide for the Succession to and the Rights in respect of certain Talookas and granted Estates in Oude, and for the Jurisdiction of the Courts of that Province in Suits relating to Land.

Preamble.

WHEREAS, after the re-occupation of the province of Oude in 1858 by the British Government, a summary settlement was made with certain persons commonly and herein-after called talookdars, by which they were acknowledged as proprietors in possession of certain extensive landed estates commonly and hereinafter called talookas, and were permitted to engage for the payment of the revenue then summarily assessed on the same.

And whereas on the completion of the said summary settlement, the same was approved of and sanctioned by the Governor General, then being absent from his Council, and acting in the lawful exercise of all the powers which might be exercised by the Governor General in Council; and it was declared and ordered by the Governor General that any person with whom a talooka had been so settled had thereby acquired (subject to certain conditions, and saving all subordinate rights) a permanent hereditary and transferable proprietary right in the said talooka, including the perpetual privilege of engaging for the payment of such amount of land revenue as should, from time to time, be assessed upon the estate.

And whereas also in the said province, grants of land forfeited to the State for the offences of the former owners have been made by the authority, or with the sanction of the Government of India, on the same title and conditions as above recited, to divers persons as rewards for faithful and loyal services performed during the late rebellion, which lands so granted, together with the estate and interests of the grantees therein, are hereafter called "granted estates."

And whereas in the families of certain of the talookdars in the province of Oude the law of primogeniture under which their landed estates devolve undivided on the nearest male heir, has prevailed from a period anterior to British rule, and a desire has been expressed by many other talookdars that this law should be extended and applied to their landed estates, and the Governor General in Council has accordingly authorised the Chief Commissioner of Oude to give to every such talookdar who desires it a sunnud or grant, declaring him free to dispose of his estate in whole or in part as he pleases by sale, mortgage, gift, bequest, or otherwise; and that the said estates, in case of intestacy, shall devolve undivided on the nearest male heir.

And whereas doubts may arise as to the nature of the rights of the said talookdars and the grantees of such granted estates, and as to the course of succession to such talookas and granted estates, and specially as to whether the same descend in the case of intestacy according to the rules of primogeniture.

And whereas it is expedient to remove such doubts, and to settle and declare the manner in which succession to such talookas and granted estates shall be regulated, and to provide for such several matters as are hereinafter mentioned, subsidiary to the succession to such talookas and granted estates; it is enacted as follows:—

Power of talookdars, &c., to transfer their estates.

I. In the province of Oude every talookdar with whom a talooka has been summarily settled as aforesaid with the sanction of the Government of India, and every person on whom a grant of forfeited land has been or shall hereafter be conferred by the Government of India, is hereby declared to be empowered, in virtue of the said settlement or grant, and without any express words therein, to transfer the whole or any portion of his estate and interest in such talooka or granted estate during his lifetime by sale, mortgage, gift, or otherwise, and to bequeath the whole or any portion of such estate, or of any interest therein, by his last will and testament, to take effect after his death, to any person he may think fit; subject, however, to all conditions of service expressed in the grant or order, under which such talooka or estate is held, and saving all subordinate rights of occupancy or otherwise in such talooka or estate.

Person to whom talookas, &c., are so transferred to have the same rights and powers as the original talookdars.

II. Any person to whom any such talookdar or grantee shall, before the passing of this Act, have transferred or bequeathed, or shall hereafter transfer or bequeath, any interest in the whole or in any part of any talooka or granted estate in manner aforesaid, and his heirs, successors, and assigns shall have the same rights and powers in regard to the transfer to bequest of the interest to which he shall have succeeded, or to which he shall succeed under such transfer or bequest, and shall hold the same subject to the same rules of succession as the original talookdar or grantee, subject, however, to the express terms and conditions of such transfer or bequest.

Transfer, &c., not invalid, because it is not in accordance with Hindoo or Mahomedan law.

III. No transfer or bequest of any talooka or granted estate, if made by such talookdar or grantee, or by the heirs, successors, or assigns of such talookdar or grantee, in writing, and otherwise valid, shall be invalid by reason of the same not being in accordance with the Hindoo or Mahomedan law, as administered in Oude.

IV. If

IV. If any talookdar in whose family the law of primogeniture has prevailed from former years, or any talookdar or owner of a granted estate to whom a sunnud or grant has been, or may hereafter be given, declaring that succession to his estates shall hereafter be regulated by the law of primogeniture, shall die without having transferred or bequeathed his talooka or granted estate, the said talooka or granted estate, and the whole interest of the talookdar or grantee therein, shall descend whole and undivided as follows: that is to say—

Descent to be according to the law of primogeniture in the case of certain talookas.

1. To the eldest legitimate son of such talookdar or grantee and his heirs absolutely, as the same shall have been held under the provisions of Section 1 of this Act, by such talookdar or grantee.

2. Or if such eldest son of such talookdar or grantee shall have died in his lifetime, leaving male issue, then to the eldest legitimate son of such eldest son and his heirs absolutely as aforesaid.

3. Or if such eldest son of such talookdar or grantee shall have died in his lifetime without leaving male issue, then to the second and every other legitimate son of the said talookdar or grantee successively in order and course as they shall respectively be in point of birth; to hold the same absolutely as aforesaid, and their male issue successively in such order and course as they shall respectively be in point of birth, to hold the same absolutely as aforesaid, so that the elder of such sons and issue shall always take before and be preferred to the younger of such sons and issue.

Or in default of any such son or issue, then to such person as the said talookdar or grantee, by a writing duly executed and registered in the principal registry office of the district in which his family residence is situated, may have adopted as his son, to hold the same absolutely as aforesaid, and to his heirs successively in order and course as they respectively shall be in point of birth, to hold the same absolutely as aforesaid, and which adoption every such talookdar or grantee and his heirs, in such order and course as they respectively shall be in point of birth, are hereby empowered, in default of any such son or issue as aforesaid, to make.

Or in default of such adopted son, then to the nearest collateral male heir of such talookdar or grantee, to hold the same absolutely as aforesaid, and his heirs successively, in order and course as they respectively shall be in point of birth, to hold the same absolutely.

Or in default of any such male heir, then to the widow of the deceased talookdar or grantee, or jointly to his widows, if there be more widows than one, for her lifetime, or jointly for their lifetime only.

And upon the death of such widow or widows, then to such son as the said widow or widows, by a writing duly executed and registered as aforesaid, may have adopted according to the custom of her or their family, to hold the same absolutely as aforesaid, and his heirs, in such order and course as they respectively shall be in point of birth, to hold the same absolutely as aforesaid, and which adoption the widow or widows of any such talookdar or grantee, or of his heirs in such course of succession, is or are hereby empowered, in default of any son or issue, or adopted son, or next male heir of her or their husband, to make.

Or in default of any such widow or widows, or of any adoption by her or them, then to such persons as would have been entitled to succeed thereto, and according to such course or order of succession as would have prevailed if this Act had not been passed.

V. Succession to all talookas and granted estates in Oude, other than those mentioned in the preceding section, shall, in cases of intestacy, continue to be regulated by the general or local law applicable to such talookas or estates as if this Act had not been passed. Provided always, that the power of transfer or bequest conferred on the proprietors of such talookas or estates by Section 1 of this Act, shall not in any wise be affected.

Succession to talookas, &c., other than those mentioned in preceding section, how to be regulated.

VI. It shall be lawful for any such talookdar or grantee as described in Section 4 of this Act, or for the heirs, successors, or assigns, in possession of any such talookdar or grantee, if he shall consider any articles of personal property belonging to him and in his possession fit and convenient to be held as heirlooms with any such talooka or granted estate as aforesaid, to settle and set apart such articles as he shall think fit or convenient to be so held, and in any list under his signature to specify the article or articles so to be settled and set apart, and to deposit such list in the office of the Commissioner of the district within which the said talooka or granted estate, or the principal part thereof, shall be situate.

Talookdars, &c., according to law of primogeniture may set apart any articles of personal property as heirlooms.

VII. The articles of personal property included in any such list shall, upon the death of the said talookdar or grantee, or of the heirs, successors, or assigns so settling the same, devolve and descend as heirlooms in the same manner and to the same persons and subject to the same power of transfer, bequest, or otherwise as the talooka or estate with which they shall have been directed to be held as heirlooms as aforesaid. Provided that no such article of personal property so set apart, and so devolving and descending as heirlooms as aforesaid, shall be protected from seizure or sale under a decree or order of court, under Section 9 of this Act.

Articles so settled to descend as heirlooms.

Proviso.

VIII. Clause 1.—The Chief Commissioner is empowered from time to time to decide and

Chief Commissioner to declare, subject to

confirmation of Governor General in Council, what estates are talookas, &c.

List of talookas, &c., to be published annually with alterations, &c.

Talookas specified in the list, exempt from attachment, &c., without sanction of Chief Commissioner, confirmed by the Governor General in Council.

Talookas once included in list not to be erased therefrom.

Mode of admitting a talooka, &c., not originally included in the list.

Disputed claims to succession to talookas, &c., included in the list, to be determined by Chief Commissioner, subject to confirmation finally by Governor General in Council.

No suit or action to lie in any court in such cases.

No interference in such cases by any Court under Act XIX. of 1841 lawful.

Nor any certificate to be granted under XXVII. of 1860.

Talookas, &c., not originally included in, but afterwards admitted into, the list, to carry some right as regards harbours.

Chief Commissioner with sanction of Governor General in Council, to frame rules and instructions regarding mode of proceeding in cases of disputed succession.

Preamble.

Cognizable of suits and appeals relating to land other than the talookas, &c., aforesaid.

and declare, subject to the confirmation of the Governor General in Council, what estates are to be considered as talookas or granted estates, and as constituting their possessors talookdars or grantees with the powers above described within the meaning of this Act.

Clause 2.—The Chief Commissioner shall prepare a list of the said talookas and granted estates which, after confirmation of the Governor General in Council, shall, within 12 months from the time when this Act shall come into operation, be published in three successive numbers of the “Calcutta Government Gazette,” and shall be published once a year thereafter with any alterations and amendments that shall have been made therein in the meantime of the first “Gazette” of each year.

IX. No talooka or granted estate specified in the said list shall be liable to attachment, or to seizure or sale in satisfaction of any decree of court, except under the sanction of the Chief Commissioner duly confirmed before such execution by the Governor General in Council.

X. No talooka or granted estate which shall have been once included in such list shall be erased therefrom unless with the sanction of the Chief Commissioner, duly confirmed by the Governor General in Council.

XI. No talooka or granted estate not originally included in the said list shall be admitted thereto, unless the order for admitting the same shall have been duly confirmed as aforesaid by the Governor General in Council, or until the expiration of one year after notice of the application to admit the same shall have been given by publication in the said “Gazette,” and at least in one local newspaper published in the province of Oude, and by leaving a written notice of such application at the offices of the Commissioner of the division and Deputy Commissioner of the district in which the estate or the greater part thereof is situated.

XII. Clause 1.—The authority and jurisdiction to determine disputed claims respecting the superior proprietary right in succession to or possession of any talooka or granted estate, while included in the said list, shall be vested in the Chief Commissioner, subject to confirmation by the Governor General in Council, whose decision upon any such claim shall be final.

Clause 2. No suit or action shall be brought or maintained in any civil or revenue court whatever regarding the succession to or possession of the superior proprietary right in any talooka or granted estate included in the said list.

XIII. Clause 1.—No interference in regard to the superior proprietary right in any talooka or granted estate included in the said list by any court under Act XIX. of 1841 (for the protection of moveable and immoveable property against wrongful possession in cases of successions) shall be lawful.

Clause 2. Nor shall any court grant any certificate under Act XXVII. of 1860 (for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons) in respect of the rents and profits or other dues payable in respect of the superior proprietary right in such talooka or granted estate.

XIV. The right of succession to the superior proprietary right in a talooka or granted estate admitted into the said list under Section 11 of this Act, shall, unless otherwise ordered, carry with it the right also to any articles of personal property directed under Section 5 of this Act to be held with such talooka as heirlooms as described in any list so made and deposited as aforesaid.

XV. The Chief Commissioner of Oude shall from time to time issue, subject to the sanction of the Governor General of India in Council, such rules and instructions as may seem proper regarding the mode of proceeding to be adopted on the investigation of claims of succession and right of the nature described in Section 12 of this Act, and for the protection of the property claimed pending the decision of the claim by the final authority.

XVI. And whereas, before the introduction into Oude, with certain restrictions, limitations, and provisos, of the code of civil procedure, the jurisdiction in suits relating to the title or succession to land in Oude, or to the possession thereof, or to any right in respect thereof, was vested exclusively in the courts of revenue in the first instance, and in the Chief Commissioner in whom the chief revenue authority formerly vested in the Financial Commissioner, has been and is now vested, by way of appeal from or revision of the decisions of such courts. And whereas doubts have arisen since the introduction of the said code of civil procedure as aforesaid, whether such suits are cognizable by the ordinary civil courts in the first instance, and by the Judicial Commissioner on appeal, or by the revenue courts in the first instance, and by the Chief Commissioner on appeal; and whereas it is expedient to remove such doubts, it is further enacted as follows:—

XVII. All suits of whatever description relating to the title or succession to land in Oude, other than the superior proprietary right in such talookas or granted estates as are specified in the list made under Section 8 of this Act, or to the possession of such land, or to any rights in respect thereof shall, during the period hereinafter limited, be cognizable in the first instance in the courts of revenue of the said province and upon appeal or revision by the Chief Commissioner.

XVIII. The

XVIII. The Chief Commissioner shall, with respect to such suits, be deemed the highest court of appeal in the said province, within the meaning of the said code of civil procedure, and shall have and exercise in respect of such suits all the powers vested in, and shall be subject to all the rules prescribed with reference to the Sudder Court by the said code subject to the restrictions, limitations, and provisos with which the said code was extended to the said province, as contained in the declaration of the Governor General in Council, bearing date the 6th August 1861.

Powers of Chief Commissioner as highest court of appeal.

XIX. No suit relating to the title or succession to land in Oude, or to the possession thereof, or to any rights in respect thereof, shall, during the period hereinafter limited, be instituted or tried in any court, or before any authority, except in the courts or before the authorities hereinbefore in that behalf specified.

Suits not to be instituted or tried by any other than the court or authority before specified.

XX. The provisions of the three last preceding sections shall continue in force until a permanent settlement, or a settlement for a definite number of years of the land revenue payable in respect of land in the province of Oude, and for such period thereafter as the Governor General in Council, by a notice to be published in the "Government Gazette," shall appoint. All claims respecting the proprietary right in succession to, or possession of, any such land other than the superior proprietary right in talookas or granted estates as aforesaid, whenever the right claimed is based upon the settlement record, or has been acquired subsequent to the settlement, shall, after the expiration of the period so appointed, be heard and determined in the civil courts of the said province of Oude under and subject to all the rules contained in the code of civil procedure as the same shall have been extended to such province, and not otherwise.

Provisions of last three sections to be in force until a permanent or other settlement is made.

XXI. No orders and decisions made or passed by any revenue court in Oude subsequent to the extension of the code of civil procedure to the province of Oude, and before the passing of this Act, in or in respect of any suit of, or relating to, any proprietary right, succession to, or possession of, any land in the said province, shall be invalid by reason of anything contained in the said code of civil procedure.

Saving of certain orders, &c., passed by revenue courts after the extension of code of civil procedure to Oude.

XXII. In the construction of this Act, except when the contrary appears by the context, words in the singular number shall include the plural, words in the plural number shall include the singular, and words denoting the masculine gender shall include the feminine.

Interpretation.

OFFICIAL REPORT of the Remarks made by the late Governor General on 12 March.

HIS Excellency the President moved for leave to bring in a Bill, entitled, "A Bill to provide for the succession to and the rights in respect of certain Talookas and granted estates in Oude, and for the jurisdiction of the Courts of that province in suits relating to Land." He stated that, in moving for leave to introduce this Bill, it was necessary to explain the objects which the Government had in view. The Council would bear in mind some circumstances connected with the restoration of British supremacy in Oude. In 1858 and 1859, after the province had been recovered from rebellion, and the authority of the Queen had been vindicated, many grants were made of lands which had previously been confiscated to Government. In some cases those grants were made to proprietors who had forfeited their rights, but to whom the favour of Government was extended, and who were permitted to re-enter upon their estates; in other cases, to proprietors who had remained in possession of their own estates and received additions thereto in consideration of their services; and in numerous instances, to persons who had no previous connexion with the soil of Oude, but who were brought into the province there to receive the rewards which they had earned. The terms on which those grants were made were recorded, and a summary settlement was effected. The terms declared that each grantee had received a permanent hereditary and transferable right in his estate. The Governor General, who was then exercising all the powers of the Governor General in Council, sanctioned those conditions which the present Bill would now re-affirm. After the grants had been made, and by a subsequent order of the Governor General, the principle of succession by the rule of primogeniture, in respect both of the Talookas which had been restored and of estates newly granted, was introduced. The principle was affirmed, but was not accompanied by any details. But as being an act of the Government of India done previously to the passing of the Indian Councils' Act of 1861, he believed that there could be no doubt of its having the full force

Legislative department.

of law. The present Bill, therefore, would only declare the principle more formally, and provide in detail for the manner in which the rule of primogeniture should take effect. It would provide that, in case of intestacy, the estate or Talooka should go to the natural born heir, that is, to the eldest son; that, failing such heir, it should go to an heir by adoption, and failing an adopted heir, to the nearest collateral male heir; in default of all these, it would provide that the estate should go to the widow for her life, and, at her death, to such son as she might adopt, according to the custom of her family; and lastly, if all these should fail, that the estate should pass to such persons as would inherit if this Act were not made law. The object in view was to combine the principle of primogeniture with other principles and usages traditional in this country and dear to the people. In the province of Oude the operation of the Hindoo and Mahomedan laws was peculiarly confused and conflicting, so much so that it might have been a question whether on that account alone some legislative interposition and correction were not expedient. And, probably, it would not be contended that, such being the case, the introduction of a law of primogeniture, with the generally warm approval of the Talookdars (the parties most concerned), was an unwise divergence from the laws which the English Government had found established there.

The Bill gave power to the Government to declare, from time to time, what estates should be considered as Talookas, or granted estates, under the operation of the Act, and it provided that none of these estates, after enrolment on a list as such, should be liable to seizure or sale in satisfaction of decrees of Court, except under sanction of the local Government confirmed by the Governor General in Council. The placing of an estate on the list would be subjected to certain checks and precautions, which would prevent this being done without the knowledge or to the detriment of any who might have claims upon, or interest in, the estate. The removal of an estate from the list would also take place under precautions, and only with the consent of the local Government and of the Governor General in Council.

The Bill would also provide for the descent in the same line as the landed estate of such personal property as might fitly be recognised as heirlooms, upon application to that effect by the possessor. This provision would be gratifying to those legislated for, and would entail no inconvenience; but it formed no essential part of the Bill. The Bill further provided that disputed claims to succession, or right of inheritance to the estates subject to the Bill, should be determined by the local Government, subject to the confirmation of the Governor General in Council, thus giving the Government the charge of watching over these inheritances, and rendering their protection a matter of Governmental policy rather than of law. This as regards the estates on the Talooka list; but the Bill went farther, and dealt with suits of whatever description relating to the title to lands in Oude. In regard to these, it restored the state of things subsisting in Oude prior to the introduction of Act VIII. of 1859. Before that time all such suits were adjudicated by the Revenue authorities, subject to appeal to the Chief Commissioner, as Financial Commissioner. Act VIII. had been understood to alter the procedure, and to place such questions under the cognisance of the civil courts. There had been, however, doubts as to the operation of that Act in this respect, and it was therefore desirable that the law should be clearly defined. He deemed it far preferable that in a country in the condition of Oude, where our laws and system of legal procedure were not familiar to the people, where the settlement was still a summary and temporary one, and where the Government had yet to feel its way to a wise, encouraging, and beneficial settlement, questions relating to land should, as far as possible, continue to be dealt with as revenue questions, and not be brought within the scope of our courts of law. These were all the particulars of the Bill which it was necessary to mention. He laid it on the table in the hope that it would preserve to the people of Oude that without which no people could long prosper politically or socially—an aristocracy connected with the land.

The motion was put and agreed to.

From *C. Currie*, Esq., Secretary to Chief Commissioner of Oude, to the Secretary to Government of India, Foreign Department (No. 3168); dated 22 December 1862.

I AM directed to submit, for the information of his Excellency the Governor General in Council, copy of the *Sumachar Hindustani*, a paper published under the supervision of the British Indian Association of Oude, of 13th December 1862, and to request his Excellency's attention to the debate and resolution of the Association on the Bill to provide for succession to Talookas, &c., at pages 372 and 373.

2. The desire of the Talookdars to prevent their estates from being alienated or subdivided by their descendants is strongly evinced in the speech of Maharajah Maun Singh, and they think their object can be effectually accomplished by making use of the power which they imagine is conferred by the concluding part of Section 2* on the original Talookdar grantee to attach what conditions he pleases to the transfer or bequest of his estate.

* "Subject, however, to the express terms and conditions of such transfer or bequest."

3. This part of Section 2 they view as giving them the power to entail, and the value they attach to it is shown by the last resolution passed by the Association, in which the Chief Commissioner assumes there has been an error of printing, and the true meaning of which he understands to be that primogeniture is of little value without entail.

4. But the Chief Commissioner doubts very much if it was ever intended by the framers of that Bill to give the original Talookdar power to tie up his estate for ever. If this was their intention, then the Section, as it now stands, would involve a contradiction in terms, for it is impossible that the person to whom an estate is transferred shall hold it on the same terms as the original grantee, that is, with the fullest power to dispose of it as he pleases, and yet be subject to any condition the original grantee chooses to impose, the most likely one being, as indicated by the Association, a strict entail which would reduce him to the condition of a tenant for life.

5. In the remarks of the late viceroy in introducing the Bill on 12th March 1862, the Chief Commissioner can see no warrant for such an interpretation; and from the known sentiments of Lord Canning on the question, the Chief Commissioner is convinced that nothing could have been further from his intention than to give the Talookdars the power they fancy they will acquire under the Act.

6. It is obvious, too, that the power of entailing, if conceded, would need to be very clearly defined. There is no existing law of entail in this country. By the English law only one unborn life can be included in an entailing deed, and facilities for cutting off an entail are afforded. On the other hand, there are the entails known in Europe as Majorats, and created in a few rare instances by Act of Parliament in England, by which the succession is strictly regulated to all time. The question of entails is a very large one.

7. All doubt on this point must first be removed, and the meaning of the words "subject, however, to the express terms and conditions of such transfer or bequest" must be clearly explained before the other clauses of the Bill or the modifications proposed by the Talookdars can be considered. If the Talookdars find that they are mistaken in supposing that a power of entailing is given them by Section 2, they will make some other proposition for the purpose of averting the ruin that they foresee will overtake their descendants if the unlimited power of disposing of their estates conferred by the sunnuds is not curtailed. The objection of Rajah Hunwunt Singh and the other high caste Hindoo Talookdars in the east of Oude whose opinions he represents have only been silenced by the belief that the clause in question puts it in their power to prevent the evils anticipated. It is probable that this party would ask for the adoption of the measure urged by the Chief Commissioner, and described late in paragraph 11 of this letter.

8. The Chief Commissioner's views on the whole question have been so fully set forth in the letters that issued from this Office in 1860, that it would be

superfluous to detail them here. Briefly summed up, they are as follows :— That the unlimited power of disposing of their estates given to the Talookdars by their sunnuds (and this Bill) must lead to the extinction of a landed aristocracy, besides generating bitter feuds and bad blood. That there can be no reason for giving the Talookdars of Oude in whose families the “guddee” or rule of primogeniture prevails a power to dispose of their estates that is not possessed by similar proprietors in the North-Western provinces and elsewhere, for it has been laid down by the highest courts of law in this country, and maintained in appeal to the Privy Council in England, that where this custom prevails, the proprietor cannot alter the succession by will.

9. The Chief Commissioner thought, therefore, that the object we all had at heart of preserving an aristocracy connected with the land would be attained by declaring primogeniture the rule of succession to all Talookas and omitting all mention of the power to make wills. This would secure the succession to the nearest male heir, giving widows, in default of direct male issue, a life interest only. This custom, however, does not impose the same absolute restriction on the power of the Talookdar for the time being to dispose of his estate by gift or sale during his life-time. The evils of an entail would, therefore, have been avoided, and entails the Chief Commissioner never advocated.

10. If it should be argued that to give the possessor power to alienate the estate by gift or sale, or to alter the succession by bequest amounts to much the same thing, the Chief Commissioner would answer that in practice there would be a great difference. Few men would venture to meet the odium that would be incurred by alienating their hereditary estate to a stranger for the sole purpose of disinheriting the rightful heir; but many a man would not scruple to effect this object by a will locked up in his chest, or deposited in a sealed packet with the authorities, indifferent to the obliquy that might attach to his memory after his decease. But, as the Chief Commissioner has observed in the preceding paragraph, the power of alienation possessed by the proprietor of an estate in which the Guddee rule prevails is by no means so unrestricted.

11. When, however, the Chief Commissioner found his efforts to carry the above proposition unavailing, he begged as a last resource, but with as little success, that the words “provided, however, that such disposition be not opposed to Hindoo or Mahomedan law or family custom” might be inserted in the sunnud. This would have preserved the law of primogeniture where it existed or was introduced, and would have prevented estates being carried by bequest into families of other castes, whereby a violent outrage is done to Hindoo feeling. Two instances of the kind have occurred already. A Soonbunsee estate has passed into another tribe by a will made by the Talookdar a few days before his death, and deep discontent pervades all the members of that ancient race.

12. For the uses of a landed aristocracy it is not enough in this country that large property be accumulated in single hands. The possessor must be connected by caste and tradition with the land. The great Hindoo Talookdars are mostly chiefs of clans, and if the estates of the great Bais Sombunsee and Buchgottee houses were to pass into the possession of men of other races, the new class of landholders would fail to secure the attachment of the population of their estates, the universal feeling of the country would be against them, and, instead of conducing to the good Government and prosperity of the province, they would become a source of dissensions and disquiet.

13. In England, the man, who, having amassed wealth in trade, invests it in land, adopts the habits and acquires the feelings of a landed proprietor, and in his own life-time or that of his successor his origin becomes quite forgotten. But the case is different in India. Here caste interposes. The banker or trader who has purchased large landed property, and his descendants who may inherit it, can never divest themselves of their origin or occupation, and can never supply the place of the proprietors of ancient race that they have dispossessed.

THE Association met pursuant to Adjournment at Putterwala Baradaree Kaiser Bagh on the 18th ultimo, the President Maharajah Digbijey Singh, Bahadoor, in the Chair.

"THE Bill to provide for the succession to, and the rights in respect of, certain Talookas and granted estates in Oude, and for the jurisdiction of courts of that province in suits relating to land," came under discussion. Maharajah Maun Singh, Bahadoor, Kaim Jung, addressed the meeting as follows:—

"Brethren,

It is needless for me to mention to you the deep interest that Government takes in measures calculated to impart progress and permanency to our Illaquas. Whenever I try to communicate the benefits we derived from Earl Canning's administration they are so vast and numerous that something or other remains untold. Observe, that even when his Lordship was departing from the shores of the Gunga, the draft law now under discussion was the last gift he intended for Oude. This Bill, when passed into law, would secure the continuance of our estates in our families and save them from ruin and destruction. The Vakeels and Mooktears of our court have, like vultures, always thriven upon family disputes and dissensions, and this has destroyed some of the best estates in Hindoostan. Where there is facility of such quarrels and litigations the best feelings of our nature become supplanted, and where there should be mutual love and affection there is nothing to be seen but mutual hatred and animosity. The wise and the considerate look upon this as the plague of society, but envy and covetousness will never cease to influence men to persist in this course unless law shall provide an effectual remedy. This Bill was kindly forwarded to the Committee by the Officiating Chief Commissioner in July last for consideration and opinion, but considering its great importance, the Committee have referred it to the association with their memorandum. Urdoo translations of the Bill have been duly circulated among you by the Honorary Secretary more than a month since.

"Though I am aware that few among us look upon the right of gift, bequest, transfer, &c., if possessed by Talookdars, as an evil, but in this view neither I nor the majority of the members present can coincide. For who among us can say that the acquisition of an estate and its preservation in its entirety is not intended for the purpose of its being divided and subdivided into small fragments to provide for the maintenance of the relatives and descendants of the original proprietor? (None, none from all sides). Nay, it is an admitted fact that an estate is desirable only because it may perpetuate the name and rank of the original proprietor in his family, provided for the support of his descendants, and by remaining unimpaired and undivided be the means of usefulness in the hands of the holder to the country. Though it is possible that a few unthinking men may ruin their estates should they have the powers of such absolute disposal, yet, for the apprehension lest such may suffer with respect to a few who may lose their reason, to deprive the whole talookdaree body of the advantages of the proposed law can neither be just or advisable. What estate is there in this province where there does not exist or cannot arise a family feud that may cause their utter destruction by lawsuits? If you do not wish to travel far for examples you will find them at your doors. If the late Reyaz Bux Khan had not the power of absolute disposal over his estate it would certainly have gone to a slave girl. If the late Nawabs Munoworood-Dowlah and Ameen-ood-Dowlah had possessed this power their splendid estates would never have gone to wreck and ruin. The projected law is the best remedy for this evil, and the few among us who object to it will certainly change their mind if they take it into calm consideration, and they will find that it equally answers their purpose, for from the second section of this Bill it is obvious that any Talookdar or grantee may in his will tie down for ever his heirs by any terms and conditions, and those among us who may wish to give the power of absolute disposal over their estates or grants to their heirs may likewise do so by will."

After this there was a conversation which lasted for an hour, and then Rajah Hunomunt Singh Bahadoor rose and said that he was satisfied with the provisions of the Bill, and proposed that the association convey its approval of it to Government.

Thakoor Goman Sing Saheb seconded the motion, which was unanimously passed. The honorary secretary read the memorandum of the committee with respect to the Bill, which, upon the motion of Chowdry Suyed Nawab Khan Bahadoor, seconded by Tujomul Hosen Khan Bahadoor, was unanimously passed.

Memorandum of Committee.

We are grateful to the Government for having done us the honour to invite our opinion upon this Bill, and having taken it into our most deliberate consideration respectfully submit the following suggestions:—

In the Preamble, second paragraph, in parentheses, are the following words:

("Subject to certain conditions and saving all subordinate rights.") After the word "rights" should be added "mentioned in the sunnud," so the reading may be as follows—("subject to certain conditions, and saving all subordinate rights mentioned in the sunnud.")

Section second of the Bill runs thus:—

“Any person to whom any such Talookdar or grantee shall, before the passing of this Act, have transferred or bequeathed, or shall hereafter transfer or bequeath”—the Committee suggest that the clause read, (“have unconditionally transferred or bequeathed—or shall hereafter unconditionally transfer or bequeath.”)

The last sentence of the same section reads—“subject, however, to the express terms and conditions of such transfer or bequest.”

The Committee would add the following after the word “bequest”—“should any terms and conditions have been made in the deed of transfer or bequest.”

The Committee would suggest the following alteration in section four; the section in the Bill reads—“to the eldest legitimate son of such Talookdar or grantee and his heirs absolutely”—“to the eldest legitimate son born of a wife of the same tribe with the Talookdar or grantee, &c.”

Also the Committee suggest an additional amendment in the same section in the words—“or in default of any such male heir, then to the widow of the deceased talookdar or grantee, or jointly to his widows, if there be more widows than one, for her lifetime, or jointly for their lifetime only.”

“Or in default of any male heir of equal rank with the deceased talookdar or grantee, then to the widow of the deceased Talookdar or grantee of the same tribe, or to the eldest of the widows, of the same rank, if there are more widows than one, for her lifetime only.”

The Committee recommend that the following be added to section fifth of the Bill—“and provided that the widow or widows pronounced aforesaid as heir or heirs for life has or have not adopted any heir.”

The Committee would further respectfully suggest that the following be substituted for sections sixth and seventh of the Bill, or the sections named be so changed as to conform to their suggestion, viz., that save and except what the talookdar or grantee may have acquired by independent trade or merchandise, all moveable and immoveable properties that have been created from the accruings of the estate should devolve and descend along with the estate of the deceased Talookdar or grantee. And in case the deceased during his lifetime had intended to give or bequeath to any person whatever out of the moveable and immoveable properties so acquired, and had filed a list thereof, with his will, before the constituted authority, such gift or bequest be held valid.”

The Committee also respectfully suggest that second clause, section eighth, be made to imply that the Chief Commissioner prepare a list of such talookas and granted estates as have been already declared to be such agreeable to the provisions of the Bill.

The Committee would suggest that section tenth be made to imply that no talookdar or grantee shall be removed from the list until convicted of a violation of the conditions of his sunnud, or unless the estate or grant has been so injured by sale or partition as no longer to remain an entire estate or grant.

Finally, the Committee respectfully suggest that due provision be made in this Bill to the effect that entail accompany primogeniture, the former being, in their humble opinion, of little worth without the latter.

The association adjourned to the 22d.

From Major *J. Reid*, Secretary to Chief Commissioner, Oude, to the Secretary to Government of India, Foreign Department, with the Governor General (No. 2357); dated 13 August 1863.

IN continuation of this office letter, No. 3168, dated 22d December last, I beg to be allowed to offer the following observations:—

2. The correct definition of the ‘guddee tenure’ is undoubtedly the succession of a single heir in contradistinction to the Hindoo law of sub-division, and that heir need not be the nearest of kin, for primogeniture is not recognised in Hindoo law. But the Chief Commissioner thinks it will be found that in practice in Oude the succession to a guddee estate did ordinarily devolve on the nearest male heir, and that any departure from this rule may be traced to family intrigue, for which the law afforded no redress, or may be ascribed to the circumstances of the country and state of society under a native Government, which required that the possessor of the estate should be a man of vigour and courage, and therefore necessitated the setting aside of the nearest heir, if he was incompetent.

3. Under our Government these motives would not operate, and there would therefore be no inducement to set aside the nearest male heir, for if he were of unsound mind the Court of Wards could step in and take the management of the estate.

4. There-

4. There is an instance in Bengal, and there may be others, of the possessor of a guddee estate selecting his successor without regard to kindred, but the Chief Commissioner has not heard of a similar case in Oude.

5. The life interest in a guddee estate, which in Oude widows often take before collaterals can inherit, is hardly a breach of the rule of primogeniture, as nothing is more certain in Hindoo law than that a widow has only the use of the estate for her lifetime, and can do nothing to prejudice the interests of the nearest heir of her husband.

6. The talookdars have, however, approved of the provision in the draft Bill which puts collaterals before widows in the order of succession, and certainly the possession of landed property by native women is an unmixed evil.

7. The Chief Commissioner, therefore, thinks there is no innovation in coupling the rule of primogeniture with that of the guddee. If the former condition were omitted from the sunnuds the succession would, he believes, in 90 cases out of 100, be in conformity with it. The Chief Commissioner is not aware that any talookdar has expressed any objection to the rule. Throughout the correspondence primogeniture and the guddee have been treated as convertible terms, and they are so used even in the Regulations, *vide* the preamble of Regulation XI. of 1793, and by several commentators on the law.

8. There could, however, be no objection to leaving it to the talookdars to choose whether they will adopt primogeniture as the rule of succession just as they were allowed to choose whether they would have the guddee rule or not.

9. 171 Talookdars have taken sunnuds in the new form, that is, in which succession to the nearest male heir, or, as it is therein termed, primogeniture, is declared to be the condition of the grant, 36 hold sunnuds in the old form, in which there is no mention of the above rule of succession; but looking at the list, the Chief Commissioner can say of his own knowledge, that of these 12 represent well-known guddee families, and they have not cared to change their old sunnuds. In short, the preference to the Talookdars for the rule of undivided succession to the estate in the nearest male line has, the Chief Commissioner thinks, been decidedly evinced.

10. The draft Bill for securing grants of property made by the State, which was introduced in January 1862, and by which all mortgages, alienations, and encumbrances were declared null and void, would not, if passed into law, come generally into operation in Oude, as though all were grants from the Government, but few of the estates were given in reward. But under any circumstances, the Chief Commissioner would oppose such a measure, for it would, he fears, lead to an immoveable beggared proprietary, and he has no wish to lock up land out of the reach of capital. Indeed, the Chief Commissioner hopes it may be understood that he has no wish to place unnecessary obstacles in the way of the free transfers of landed property, and that his only object is to prevent its sub-division, which would soon lead to the extinction of a body of large landed proprietors, or its unjust and capricious alienation to families of strange blood, which would cause a disruption of all the old traditions and associations that connect a landed aristocracy with the other classes of the rural population, and would rob it of most of its social and political usefulness.

11. The Chief Commissioner begs particularly to call attention to para. 4 of his letter, No. 1865, dated 15th December. His recommendation is the same now as it was then, to omit from the sunnuds all mention of the power to alienate or bequeath, and merely to declare that the estate shall devolve undivided on the nearest male heir, thus blending primogeniture and the guddee; or if this change is not approved, the omission of the words "to whomsoever you please," and the substitution of "provided such disposition is not opposed to family custom," would avert the evils that the Chief Commissioner and many of the Talookdars anticipate, and which, in one instance at least, have occurred. Either change should, of course, be optional; those who prefer to obtain their present sunnuds, giving them the fullest power of disposing of their estates, will be permitted to do so, but the Chief Commissioner is convinced their numbers will be few.

12. But if his Excellency has still some doubts regarding the real sentiments
62. O of

of the Talookdars on this question, and would desire a more complete expression of their views, the Chief Commissioner would recommend that a further consideration of the draft Bill be postponed till after the meeting of Talookdars' association, which takes place in October next. Certain questions might then be framed and submitted for their discussion with the view of eliciting their sentiments and the national usages and customs in regard to the succession to their estates.

From Colonel *H. M. Durand*, c.b., Secretary to Government of India, Foreign Department, with the Governor General, to Secretary to Chief Commissioner of Oude (No. 483); dated 21 June 1864.

WITH reference to your Secretary's letter of the dates and numbers noted in the margin, submitting your views on the Bill to provide for succession to Talookas in Oude, I am directed to inform you that the Governor General in Council thinks it advisable to postpone all legislation on this subject for the present.

Letter dated 22d December 1862,
No. 3168.
Letter dated 13th August 1863, No.
2357.

From Colonel *H. M. Durand*, c.b., Secretary to Government of India, Foreign Department, to the Chief Commissioner, Oude (No. 65); dated Fort William, 17 February 1864.

A CAREFUL perusal of the official correspondence having reference to the settlement operations in Oude has not satisfied his Excellency that the scope of the instructions of the Secretary of State for India has been clearly comprehended, or suitable measures adopted for carrying fully into effect the orders of the Government of India.

2. In the despatches from the Secretary of State of the 24th April 1860 (No. 33), and of the 17th August 1861 (No. 105), the following instructions were laid down:—

“ You were quite right in rejecting at once the proposition of the Chief Commissioner, that all under-tenures should be abandoned to the mercy of the talookdars; and I observe from your Lordship's more recent proceedings that the engagements into which you have entered with the talookdars provide for the protection of the under-proprietors, and that when a regular settlement is made, in all cases where there is an intermediate interest in the soil between the talookdar and the ryot, the amount or proportion payable by the intermediate or subordinate holder to the talookdar will be fixed and recorded after careful and detailed survey. I consider that on a careful adherence to this rule must now mainly depend the maintenance of the rights of the village communities.

“ Her Majesty's Government are fully sensible of the advantage of enlisting the loyalty and gratitude of these influential proprietors on our side, and trust that they may be brought to regard the welfare of the State identical with their own, and that their zeal in the cause of order may be fostered by the measures which you have adopted for associating them with the officers of the Government in the duties of maintaining the public peace and conferring on them responsibilities which will still maintain their just pride in the prosperity of their estates.

“ That this wise policy of elevating, rather than of depressing, the local aristocracy has been carried out by you in practice, Her Majesty's Government learn with satisfaction from the reports of your Lordship's proceedings in Oude, received since this despatch was commenced. Apprehensive that the great talookdars might regard with some suspicion a policy so obviously tending to produce the desired result of the general pacification of the country, you adopted measures calculated to give them confidence in the sincerity of your intentions and the stability of your arrangements. By personally addressing them in durbar, and by causing sunnuds to be issued confirming them, under certain conditions,

Paragraphs 11 to
17, of 33.

conditions, in their proprietary rights, you have, I doubt not, effectually disarmed their suspicions, and secured their loyalty by identifying the fixity of their tenures with the stability of the Government under which they are held.

"Her Majesty's Government understood that, by the sunnuds you have issued, you have confirmed the proprietary rights of the talookdars holding them, subject to certain assessments to be hereafter determined, and that these assessments, to be fixed on the termination of the present summary settlement of three years, will be moderate in amount.

"I do not gather from the papers before me what are your views with respect to the duration of the subsequent settlement, but I do not doubt that it will be calculated to give the proprietors such a beneficial interest in any improvements they may effect as will encourage them to develop to the utmost the capabilities of their estates.

"Since the foregoing paragraphs were drafted, I have received, your Lordship's letter of 18th November, No. 8, in which you report that, on the recommendation of the Chief Commissioner, you have granted to certain talookdars limited revenue jurisdiction over their estates, and have, at the same time, invested them with magisterial powers. This is a very important measure. With reference to the character which some of the Oude talookdars have hitherto borne, its operation should be carefully watched. I shall be very glad if the result prove satisfactory, and such as to justify your adopting it in other parts of the country. In the sentiments expressed in your secretary's letter of the 2d November, Her Majesty's Government entirely concur. It should always be our aim rather to adopt and improve that system of administration to which the people in any part of India have been accustomed under their own rulers, guarding it from the abuses to which it may have been liable, than to introduce new measures, even though they be founded on sounder principles, or have been tested by experience in our colonies, or even in other parts of India.

"I shall be glad to find also that the arrangements which you have made for transferring certain estates to the proprietorship of European gentlemen formerly connected with the native Oude Government, who honourably distinguished themselves during the revolt, are attended with success. As these gentlemen are understood to be familiarly acquainted with the institutions and usages of the country, and are believed to entertain feelings of kindly sympathy with the people, there is a reasonable expectation that their possession of territorial rights will be, in many ways, conducive to the prosperity of the country; but care should be taken to record and guard the prescriptive rights of other classes in such cases with as much caution as in the lands of native talookdars.

"I have already called your attention to the important point that the rights of under-proprietors should be clearly defined and jealously protected. In my Despatch of the 24th of April 1860, I called the attention of your Excellency's Government to this subject, and I have since consulted the correspondence which you have forwarded with much anxiety to ascertain the measures which might be in progress for the accomplishment of this important object. I observe that in his annual report the Chief Commissioner speaks favourably of the contentment of the under-proprietors, and states that they have had no difficulty in fulfilling their obligations to the talookdars. The papers officially reported are wanting in detailed information upon this point. I gather, however, from a circular, entitled 'Record of Rights' (placed in my hands by Mr. Wingfield, to whom I applied for information on this subject), which the Chief Commissioner in January last issued to his subordinate officers that, in consequence of my instructions, some measures have been taken to protect the rights of the under-proprietors; and I shall be glad to learn from your Excellency's Government that these measures have been found, in practice, to be sufficient, especially in the case of those proprietors who, in 1856, were admitted to direct settlements with your Government, but have since been placed in subordination to the talookdars. I abstain from further remarks upon the contents of this paper until such time as I shall receive it officially from your Government, with your Excellency's comments on the subject. I must, however, observe that the definition of the rights of the subordinate holders is based too exclusively upon the status of 1855, which was a period of misrule and disorder."

Paragraph 9, of 105.

3. By the foregoing instructions it was decided that, while the arrangements made in favour of the talookdars by the British Government should be respected, the subordinate rights of other classes of the people in the soil should be ascertained and defined. It is the opinion of the Governor General in Council that these instructions embraced all rights whatever under those of the talookdar, whether they are those of former proprietors, or hereditary tenants holding their lands on fixed rents, or on rents more advantageous in their character than those of mere tenants at will, or whether they are tenants with the simple right of occupancy.

4. Judging from the passages in your report, and in that of the Commissioner of Settlements, marginally quoted,* it would appear, first, that no such proprietary rights not enjoyed as late as the year 1855 are to be admitted; and, secondly, that no hereditary tenant rights whatever are to be recognized. These instructions seem at variance with those of the Secretary of State, and contrary to sound policy.

5. With reference to occupancy rights, the Governor General in Council has, therefore, directed me to ask whether, apart from the question whether rights of occupancy imply a right to a fixed rate of rent, any measures have been taken for the recording of such rights, and whether, in fact, they are protected otherwise than by the jurisdiction of the courts, or whether the settlement officers have been directed not to make inquiries with a view to the record of this class of rights.

6. The Governor General in Council has no desire whatever to trench on the just rights of the talookdars founded on the sunnuds they received from the British Government, but, on the other hand, he is opposed to any rules whereby the rights of the subordinate proprietors or tenants of the soil shall be destroyed or even damaged. With reference, therefore, to the sub-proprietary rights and the limitations of inquiry to those enjoyed in 1855, his Excellency in Council wishes to know upon what lease and under what authority the limitation in question has been prescribed to the settlement officers.

7. In connection with the subject of settlements, the Governor General in Council desires that the settlement reports of Messrs. King, Clifford, and Captain MacAndrew may be submitted, as also any other settlement reports that may be sent in by officers employed in Oude.

8. The circulars of which the Foreign Office has received copies are noted in an appended memorandum, but as others are adverted to in various parts of the correspondence having reference to settlement operations, it is desired that a complete series of the circulars be furnished.

9. An early reply to this letter should be furnished.

* "The instructions issued for the guidance of settlement officers in disposing of these cases are to the effect that the rights held in subordination to the talookdars must be proved to have been granted in consideration of the holders or their ancestors, ancestors having been proprietors of the village before its incorporation in the talooka; and it must also be proved that the rights were held in 1262-63 Fuslee, which corresponds with 1854-55 A.D."

"The second essential feature in an under-proprietary tenure required by our rules is, that it should have existed in 1855. The object of this is to maintain, as far as possible, the status found at annexation by perpetuating rights then existent, but not attempting to revive any that had been lost."

"Whether or not the settlement of the land revenue was general throughout Oude in 1854-55, the rule that claimants of proprietary rights must have been in possession then is a sound one; it gives nearly two years before the annexation of the province within which proof of the possession of subordinate rights ensures their continuance."

"It will be observed that the fundamental basis of an under-proprietary tenure is, that it is held by virtue of a former proprietary right. In contradistinction to the principle of Act X. of 1859, the rule introduced into this province is that simple occupancy for any length of time confers no right. I hope to see this salutary principle carefully upheld in all our revenue courts."

"The Chief Commissioner must correct a clerical error in your 75th paragraph; you should have added after the words 'simple occupancy confers no right,' 'to hold at a fixed rate.'"

From the Secretary to Chief Commissioner of Oude to the Secretary to Government of India, Foreign Department, Fort William (No. 635); dated Lucknow, 2 March 1864.

I HAVE the honour to acknowledge the receipt of your letter, No. 65, dated 17th ultimo, regarding settlement operations in Oude.

2. In reply, I am directed to state that the authority for the orders restricting the recognition of subordinate proprietary rights to such as were enjoyed in 1854-55, is to be found in paragraph 5 of Government letter, No. 23, dated 19th October 1859, which explains the intention of the Government to be to re-establish and maintain in subordination to the talookdars the former rights as they existed in 1855.

3. The rule was again promulgated under the authority of the Government of India in paragraphs 2 and 11 of the Chief Commissioner's Circular, No. 2,315, dated 29th January 1861, which was not issued until it had received the sanction of the Government of India, in letter, No. 74, dated 8th January 1861, with the remark that the instructions were declared to be "generally very just and proper, and to be framed in accordance with the views which the Government have already expressed," exception being only taken to some points of detail in connection with assessment; the circular has acquired the force of law under the Indian Council Act. Vide paragraph 2.

4. This is the circular the Chief Commissioner placed in the hands of the Secretary of State in 1861, and, until the receipt of your letter under acknowledgment, no intimation of the Secretary of State's objection to the limitation of the inquiry into subordinate rights to the status of 1855 had been communicated to this office, or had reached the Chief Commissioner in any shape.

5. The basis on which the rule rests is that, on the re-occupation of the province, we adopted as the principle of our summary settlement the *status quo* at annexation; the rule has now been in operation for three years, and the Chief Commissioner does not see how it can be abrogated or modified, without exposing Government to the imputation of receding from its ill-considered declarations.

6. With regard to the other question asked in your letter, the Chief Commissioner would first observe, that though the terms of the Secretary of State's letter, No. 33, dated 24th April 1860, are sufficiently comprehensive to embrace every form of interest in the land, yet, when viewed in connection with the previous correspondence between the Government of India and himself, and with the subject which gave rise to it, viz., the change in the parties admitted to engagements at the settlement of 1858-59, as compared with that of 1856, the Chief Commissioner thinks it can hardly be doubted that mere ryots were not then under consideration. He dwells on this point only for the purpose of showing that no orders have been knowingly disregarded; for the Chief Commissioner admits that talookdars cannot (and will not) complain if ryots are protected in any rights they may be found to possess, and it may be remarked that not talookdars only, but all proprietors of land are concerned in this question.

7. By paragraph 31 (29 of the draft circular sent up to Government) the settlement officers were informed that rights of occupancy at fixed rates by cultivators would not be recorded, the Chief Commissioner being convinced that no such rights ever existed in Oude, and that the settlement records would make no distinction between cultivators. To the instructions on this head the general approval of the Governor General was conveyed in paragraph 8 of letter, No. 74, dated 8th January 1861; they were afterwards, in this office letter, No. 3136, dated 15th December 1862, explained to mean that, while the Chief Commissioner was prepared to admit the existence of a modified right of occupancy, he did not think the question of its possession one for general investigation at settlement, but would prefer to leave it for the decision of the courts, as cases in which it was disputed might come before them.

8. You will recollect that some demi-official correspondence passed between yourself and the Chief Commissioner last summer on the subject of tenant rights, and he then informed you that he had called for full information from all the settlement and district officers, and would, in due time, submit an official report.

The information has been received by the Chief Commissioner, and he was preparing the official report when your letter under acknowledgment reached him; but as the subject is of so much importance, he is not able to submit his views on it at this moment, and begs that a short delay may be allowed. As, however, an early reply to the specific inquiries made in your letter is called for, one is herewith furnished.

9. The reports of the district officers engaged in making settlements in 1862-63 accompany. The Chief Commissioner begs that Mr. King's description of some talookdars may not be received as applicable to the talookdars of other parts of Oude, or even of the rest of his district. His experience was then confined to one tehsil bordering on Jounpore, of which the population is notoriously litigious, as was remarked in paragraph 26 of the Chief Commissioner's notice of the Settlement Commissioner's Report. But even in regard to those talookdars, the picture was evidently over-coloured; Mr. King, indeed, appeared, to the Chief Commissioner, to be writing under a feeling of irritation, as a man worried and perplexed by the litigation with which he was surrounded, that litigation being probably increased by the misunderstanding of the orders adverted to in the 37th paragraph of the Chief Commissioner's notice of the Report.

10. The Chief Commissioner has since told Mr. King, that more tact on his part might smooth the difficulties that beset him, and he has taken every occasion to impress on talookdars the wisdom of showing a spirit of conciliation and concession, and he feels confident that the reports from other districts for the present official year will make the talookdars appear in a much more favourable light.

EXTRACT from a LETTER from *R. M. King, Esq.*, Settlement Officer, Pertabghur, to *Charles Currie, Esq.*, Settlement Commissioner in Oude (No. 155); dated 2 June 1863.

Record of Rights.

Para. 45. Investigation into proprietary rights. Statement No. III., herewith submitted, shows the number of claims made as yet and those decided. Of the laborious nature of these inquiries you are well aware. The cases tried may be fairly described as the most difficult and most important civil suits which can be imagined.

46. The difficulty arises from the nature of the claims and the kind of evidence adduced to support them; the claims are usually very wide in their extent, and the evidence nearly always of a general character; the cases seldom can be reduced to an issue, clear and definite, and the kind of evidence brought is that which is most easily fabricated and least easily sifted.

47. Out of 1,805 claims as yet brought on the file, 465 have been decided; but as 312 of them are in one tehsil, and experience has shown that as yet cases arise nearly as fast as they are decided, it is certain that, in the other three tehsils, a number of about double the whole number yet received in the whole district will have to be disposed of.

48. A return which I have recently had made shows 5,700 petitions already given in, and I shall expect 2,000 more before all is finished; but it is impossible to give any very accurate guess, because so many cases are liable to spring up at any moment should parties lose the reluctance they now exhibit to sue. On this, Captain Clarke, Assistant Settlement Officer, writes:—"But the above are probably slight difficulties to the one great one that I have found so prevalent, I mean the repugnance there seems to be to bring forward claims. I know there are in many villages mortgagees who would under our rules be recorded as proprietors of the lands they held, and yet I have not had a single claim of this nature in the talooka of Soojakur; there are Sunkullupdars who have not brought forward their claims; there are cases of disputed right in portions of villages, of disputed boundaries, of disputed right to lands that belong to one village and have been included in another; there are disputes in baghs: all these are dormant as far as the claimants bringing them forward to be decided by the settlement officer is concerned." "If these claims are not refused hereafter as having been brought too late, instead of preparing many Wajib-ool-urz in one day, many days will be spent in compiling one Wajib-ool-urz." There are now more cases pending in the Puttee tehsil than there were when I sent in my last annual report.

49. There have been only five cases out of this number in which talookdars have admitted the claims made, and I think that some of these admissions are in cases which have as lengthy files as any in the district; the admissions as yet have not lessened the work of the settlement officers.

50. The little progress made in this department is not solely owing to the nature of the cases. Before your appointment, sir, the guidance I got was absolutely nil, and my work was materially increased by the want of intelligible replies to my references, which prevented my disposing of cases for which I wanted rulings as precedents. I may, indeed, say that, for seven months of the year under report, I was without any other light than that gained from published replies of the Officiating Chief Commissioner to the Commissioner of Lucknow. I think that now the disposal of cases will be far more rapid, and the treatment of them will be far more uniform than it formerly was.

51. At the same time I think that, if surprise is felt at the slow progress of the record of rights in this settlement, it will be in great part owing to due weight not being given to the following considerations:—All cases are tried by three officers (and you may almost say by two, for the extra Assistant Commissioner is almost wholly employed in measurements), all the evidence is written by these officers in English, and as every case is appealed, the record must not only do for the Court of First Instance but the appellate tribunal. Thus far, physical causes render the progress slow; and it must also be borne in mind that none of the work of the sudder moonseerim, moonserims, ameens, or mohurris, whose pay are six-tenths of the expense of settlement, goes to make a single page of the "Record of Rights," which is wholly a judicial proceeding; nay, more, for not a fact recorded by the above-named officials in any sense or degree facilitates the record of rights except in so far as the Shujra enables the judge and the parties to define the claim.

52. Present possession never in any single case affects the matter before the court, for all references are either to possession in 1262-63, or to 12 years' tenure from date of claim. Practically, the formation of the record of rights in all, except Bhyachara and Zemindaree villages, might be made without a reference to the copious products of the labours of the mappers and compilers of present facts.

53. And here I must again venture, at the risk of the charge of ignorance or pertinacity in opinion, to suggest this fact (which I believe to be an incontrovertible one) as a good reason for limiting the labour and expense of mapping and compiling statistics to the minimum required for assessment of revenue, the only matter on which they threw any light in talookas.

54. Experience has shown me that in talookas in this district nine-tenths of the area will, so far as the settlement is concerned, be the absolute property of the talookdar; and to record the occupants of this area in the khusrah is not only not pertinent to the matter, but, owing to the nature of these occupants, is liable to produce one of two evils; either the occupant recorded may (and does) suppose that there is some meaning attached to the record, or the ameen, deprived of the aid of the people to accurately record facts, finds it almost impossible to get the requisite information, and his khusrah is a mass of errors.

55. There is no argument against this feature of the khusrah which does not tell with redoubled force against the khuteonee, but as I have elsewhere treated concerning these, I will forbear reference to them here. I will merely sum up my conviction by saying that, if I understand the object of Government in the settlement of talookas (and I believe I do understand it), I am certain that no one practically acquainted with the subject would originate or follow in its details the system devised for the far different objects of the settlement in the North Western Provinces.

56. Other causes combine to delay the settlement. The whole system of our Indian Government has undergone a change, which renders the administration of it far more laborious than formerly; and less independence of action in the executive causes more labour on them and on the central powers, which, of course, results in a perhaps more uniform, but a much slower action. As far as I can gather from reading Settlement Reports of 20 and 30 years ago, and also from the late Punjab Reports, it seems to me that questions were settled in a far more off-hand way by the fiat of the settlement officer than is now the fashion.

57. Not only this, but tehsildars and other officials of lower grade are represented as employed in duties with which now a settlement officer is alone competent to deal, and for which he is expected to draw up English records in his own handwriting; in short, the work is more finely done, and therefore is more slow and more expensive.

58. Speaking for myself, I find also that I am much delayed by the apathy of the people and passive resistance which they oppose to the operations, and which I have no powers to cure in the only effective way, viz., by the arbitrary infliction of fines. I never inflicted a fine until I, lately, was instructed by you that under certain regulations it was competent to a settlement officer to punish certain offences in that manner, and I often had reason to regret the want of the power which, it seems, alone the talookdar will respect, viz., the power of punishment.

59. Perhaps the eastern portion of my district is an exceptionally bad specimen of perverse and unmanageable talookdars, but it is the remark of every one who comes in contact with them, that they are eminently untractable and solely to be moved by fear of punishment. One of these talookdars, who was especially esteemed by Mr. Tucker as an upright and sensible man, not long ago said to a tehsildar,—"Do you suppose that we,

who have been accustomed to be beaten and tortured and plundered, can be expected to care for censuring letters and dustuks?" At another time I was told "that the talookdar of ——— never pays up till the tehsildar goes and locates himself near his kote and annoys him."

60. The nature of the annoyance was most ridiculous, but I suppose it was found effective; but whether the whole story was a figure of speech or a fact, I do not know, but it struck me forcibly as illustrating the childishness in many respects of the men with whom we deal. For such persons the only acquirement is fear, and though I have by dint of great patience and courtesy, backed by my influential position as settlement officer, been able to carry on with them, yet I own that I often longed for a power to check evasion and falsehood with a strong hand.

61. The delays to which business is exposed from them have often made it difficult to comply with orders or calls for information; and as an instance of this, I may mention the case of the Duryapore Ilaka, which I have been ordered to divide among the four talookdars. The opponent of this measure has frustrated all division as yet, by absenting himself from the district, and I have only recently heard that he is at Fyzabad. Had I been able to lay a fine of five or ten rupees per diem on him, I should have compelled his attendance and finished the division.

62. Finally (and I feel somewhat ashamed of dilating at such length on what may easily be retorted on me as excuses for incompetence or idleness), I must beg to draw your attention to the fact that about half of my whole time is taken up with district work. On reviewing the recently prepared annual statement of business, I find that, setting aside "applications for copies," the number of cases disposed of by one exceeded the business disposed of by the two assistants and Captain Clarke, who for some time tried summary suits. There is besides English correspondence and the supervision and preparation of road accounts, district budgets, and income tax returns. The assistants had, of course, a counterbalancing array of criminal work, of which I had none: it may be said that I should lay none on my assistants (and I have now done so), but with the exception of the criminal work, I find I am still held responsible for the whole management of the district, and have to hear all revenue appeals.

63. The call for returns, too, now-a-days is frequent, and these are made on my responsibility; and, therefore, even if I made over a department to an assistant, yet, as I should be responsible for the returns sent in, I should have to go deeply into the subject on each occasion to verify them. Further, I find that, under my present Commission, far more work is expected of me in the way of reports and copiousness of detail than I used to be called on for formerly, so much so that the income tax department, which should be the lightest affair possible, has become a most heavy task. In fact, I am overworked, and though I am not unable to carry on as I have done yet, I feel that I have not leisure to devote either to the important questions of settlement, or to the supervision of my subordinates as the work demands. Under these circumstances, I shall submit an application to be still further relieved from district work.

64. The next and last branch of my Report, as directed by you, is the preparation of records. Statement No. I. has been already reviewed, and I have nothing to add here; the cost per 1,000 acres is shown to be Rs. 80. 2 which is a decrease on the cost of the preceding year, which again showed a great reduction on the cost of the first year of operations.

65. The professional survey needs some mention. It may not be my province to remark generally on this officer's work, but I am entitled to speak of it as far as it affects my own operations. I think, then, that the surveyor does either too much or too little; he wishes, I believe, to get geographical maps of the country for the Surveyor General; and he also is to survey the area of each village demarcated by the settlement officer, and the area he returns is the authoritative one. He also divides his area into

1. Cultivated and recently thrown out of cultivation.
2. Culturable, and
3. Unculturable.

He prepares village maps of four inches to the mile, a size which makes a capital map for sporting, or military, or large engineering operations, but is wholly inadequate to show fine points of disputed boundary or any other point which concerns the settlement officer.

66. Then, as to his details; they are evidently the result of surveying not in the piece but in the mass, and his definitions of culturable and cultivated are excessively wild and untrustworthy. He does not seem to recognise anything as unculturable except metalled roads, sites of villages, and some jheels. Often I have found less unculturable area admitted in a village than is actually under water. Such being the case, the sole use to which I can put the surveyor's map is to guide myself by his total area, and this I implicitly do.

67. It stands to reason that the surveyor who professes to measure in large masses must be at a disadvantage regarding detail, whereas the Shujra must, with common care, be a really reliable authority on the subject. Thus, then, I have explained what I meant by
saying

saying the surveyor does too little or too much. If he is to guide me in detail, he must condescend to minutiae, and if he is only needed to guide me in total area, all his detail, such as it is, with the cost of preparation, is all thrown away.

68. I have before now proposed that the surveyor should be asked to draw the boundary line of each village and ascertain its area for me, and then give me a copy of his boundary and area, and I will fill in and verify it, and give him the true details of cultivated and uncultivated. Surely, if he wants any such statistics, it is better for him to have them right than wrong; and wrong they are as he gets them.

69. The advantage to the settlement officer of getting a correctly drawn boundary line would be very great, not only as regards expense (and this would be no little diminished), but in securing him against the most difficult errors to detect. I mean "fudging" a field or oosur land to a greater breadth than it is, in order to fill up an incorrect outline.

70. I have not in this report touched on any questions of right or constructions of law laid down in the settlement court.

These matters are best reserved for the occasion which gives rise to them.

71. I submit the population return which you called for, but make no further remark, than that it shows a very dense population indeed. The returns per house, I think, must be wrong, for they show a very low average; and as the return has been hastily made for this report, I think it not unlikely that the number of enclosures, of which two or three go to a "house," are returned each as a "house," owing to their having a number in the abadees.

As to the population return, I think it more likely under than over the mark.

72. I shall be occupied the whole of the coming year with assessments, for I see that it is useless to try to go over the district, village by village, and decide the cases and settle the revenue demand at once. The nature of the cases in talookas (of which eight-tenths of my district consists) prevents this treatment. This year will then, I hope, see three-fourths of revenue settled; the cases will take some time to decide, and if they are to be decided carefully, no hurry should be attempted.

73. I had hoped at one time that the talookdars would have saved much trouble, by making such arrangements with the claimants on their estates as might leave in the majority of instances nothing but a record of the arrangement in the settlement papers. I see, however, now that this is not to be expected. The talookdars intend to fight every point and yield nothing; they have been so successful hitherto, under the strict view taken of under-proprietary claims, that their ambition now soars to the annihilation of all subordinate rights.

74. The great difficulty of proving distinct rights and uninterrupted possession of them, or even the enjoyment of them as rights, in 1262-63 Fuslee, puts the claimants at a great disadvantage; and I often regret to see that claims are rejected which are brought forward by men whom common report and estimation point out as possessed of rights.

No doubt, in a strictly legal sense, they have failed to prove their points, but the talookdar proves nothing either; it is the *onus probandi* on the claimant which puts him at such a disadvantage.

The talookdar is in the saddle, and the under-proprietor has to unhorse him; this he can seldom do, and he loses all in the encounter.

75. For my own part, I think a little less severe test of these claims would be more consonant to the feelings of the people, and more politic also. Many of the villages held by talookdars were given to them as mere matter of revenue arrangement by the officers of Government, and have in them a body of men who had more or less right, expressed by a low rate on their land, or a lease of the village.

These rights are seldom capable of such proof as will look like proofs on paper, and perhaps indeed distinct evidence of dispossession in 1262-63 may be opposed to them, but is it fair to tie them down to the test of two years? Often as I have toiled through the history of a village, I have seen evidence of such a state of struggle and tension between the parties, the equilibrium being disturbed now in favour of one, and now of another, that I have been obliged to confess that, in many instances, zemindaree in India is an idea, and not a tangible provable fact.

76. Another view of the case, wholly distinct from these considerations, is, that this settlement is probably the last opportunity that will be had for remodelling land tenures in Oude, and as the tenures shall be when this settlement is finished so will they remain. It is worth while then to look forward and see if we can anticipate good from the probable position of the landholders and cultivators. I think that, in some circumstances, the talookdar will disappoint us in the discharge of his duties to the Government and to his tenants; a few of them are evil disposed, some are simply apathetic and incapable; others are grasping and lavish alternately; all are more or less in the hands of agents whose reputation is usually bad. The fact is, they have more land than they can manage, and they do and will manage it ill. Made masters now of villages which have often defied them, and do not acknowledge them as their true head, they will have a very difficult task to perform; and, I fear, will confine their exertions towards these villages to such hostility as our rule permits, rather than manage them with a liberal hand.

77. To give a talookdar such villages is often a very dubious benefit to him, though he thinks otherwise, and were the responsibility of landholders enforced as it should be, by the police, he would often find more loss than profit from the connection.

78. Practically, I think policy forbids throwing too much on the talookdar, for his work being heavy will be ill done; and I cannot conceive that the Government can be carried on well in Oude if we have trouble instead of assistance from talookdars.

79. For this second reason, then, I would be liberal in my criticism of claims, and view with disfavour the unscrupulous attempts of the talookdar to defeat all suitors. It is not for me to remind you that, in these times of appeal, the tone of this settlement will be that taken, not by the settlement officers, but by the highest appellate court. It is the Chief Commissioner's decisions which will give their character to this settlement, whatever they may be, as they may expand or contract the avenue to suitors, as they may admit a good share of the population to subordinate rights, or confine proprietary rights on land to the "upper ten thousand," so will be the settlement of Oude. The settlement will determine the policy to be pursued in the province, and on the success of that policy will depend the prosperity of the province, and perhaps the peace of the British Indian Empire.

80. And here I would meet an objection which will rise to the lips of those who are strongly in favour of the talookdaree settlement, that to admit many parties to proprietary rights is to impoverish the talookdar, and a needy aristocracy is no source of improvement or hope of progress. Our talookdars are generally quite rich enough to suffer no hindrance from the existence of a subordinate proprietary body in a few of their villages. The money question I look on as a very simple one, and I see no reason why many of this under-proprietary body should not exist, paying the full nikasee of the village to the talookdar.

81. In a lightly assessed country there should, and always must, be a considerable margin for expenses of cultivation, and on these the cultivating proprietor maintains himself, and the whole nikasee may go to the talookdar. It is the independence which the subordinate will prize far more than the actual percentage of the assumed gross rental which will fall to him, and this independence is a boon which we can grant now with general benefit. Whereas, to grant it hereafter, i.e., to trench on the talookdar's rights once defined by this settlement, will bring with it all the disadvantage attending uncertainty of rights in property. This independence, too, will cost nobody anything if the gross rental is paid to the talookdar, but it will be beyond price to the subordinate owner, and being so prized will be the cheapest and most trusty pledge for his contentment and loyalty.

From the Secretary to Chief Commissioner, Oude, to the Secretary to Government of India, Foreign Department, Fort William (No. 932); dated Lucknow, 26 March 1864.

IN continuation of letter, No. 635, dated 2d instant, I have now the honour to submit the Chief Commissioner's promised Report on Tenant Rights in Oude; a memorandum by the Commissioner of Settlement, in whose opinion the Chief Commissioner concurs, also accompanies.

2. In paragraph 3, of letter No. 3136, of 15th December 1862, the Chief Commissioner explained his views on the general question to be that, admitting a right of occupancy on the part of non-proprietary cultivators, this right cannot be made to depend on any period of time, nor does it restrict the landlord from raising the rent after due warning, if others are ready to give more for the land than the present occupant pays. The right of occupancy he defined as entitling the tenant to hold at market rates, and protecting him from wanton eviction: this definition is in accordance with the subsequent decision of the High Court in the Hill's appeal case.

3. But the light that has been thrown on this subject by personal inquiry, the reports of the district and settlement officers, by perusal of other correspondence, and by the discussion that has arisen out of the Hill's appeal case, has induced the Chief Commissioner to believe that, under the influence of prepossessions acquired in the North-Western Provinces, he made too hasty an admission, and has forced on him the conviction that a right of occupancy in non-proprietary cultivators has never, in theory or practice, existed in Oude.

4. Paragraph 5 of your letter seems to preclude the discussion of the question of a right to hold at a fixed rate of rent, and it is not necessary for the Chief Commissioner to refer to it further, as he does not admit the lesser right
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of mere occupancy. It is, indeed, certain that there never was any such limitation on the powers of the landlord, and even the late Mr. Thomason, though he claims it in favour of hereditary tenants in directions to settlement officers, would appear to have very considerably modified that opinion in his printed despatches.

No. 1007, dated
27 March 1849, on
the rights of under-
tenants in Jounpore.

5. The opinions of Commissioners, and all the officers engaged in making settlements, or in charge of districts, which, in his last communication, the Chief Commissioner intimated having called for, are sent herewith, and a precis of them, with the Chief Commissioner's comments marked in parenthesis, is subjoined. The great majority of officers deny the existence of a class of tenants with rights of occupancy; Mr. Simson, who takes a somewhat different view, by the important qualifications he adds to his description of such a right, reduces it to a minimum.

6. In the Chief Commissioner's opinion, the information thus obtained serves to establish the fact, that many cultivators have held for generations under the same proprietary family, and that the feeling of all classes, and, it may be added, the interests of the landlord, are opposed to evicting an old tenant, without cause, in favour of a new one; it also shows clearly that no doubt ever existed on the minds of the people in regard to the landlord having the power to increase the rent, or to eject a tenant at his pleasure.

7. The same conditions may be found in England. On some great estates farms have descended from father to son, without written leases, for two centuries; and though the landlord is naturally attached to an old hereditary tenantry, and would deem it wrong to break the connection that had subsisted so long, not one of them would venture to assert that his occupation for centuries gives him any interest in the land beyond that of a mere tenant at will. Much the same feeling influences the relation of master and servant, borrower and lender, in this country, where service in landed families is generally hereditary.

8. It may be said that, in such a state of society as prevailed in Oude, where there was no law but that of the strong, the non-existence of a right of occupancy is not to be assumed for want of its formal recognition. The Chief Commissioner would reply that, had such a right ever existed, it would be found occasionally in vigour, or its traces would often be so unmistakably apparent as to leave no room for difference of opinion on the subject. Though overborne for a time, it would have been kept alive in the hearts of the people, as proprietary right in the land has been.

9. So far from having been able to discover any trace of such a right, the Chief Commissioner can assert, without fear of contradiction—

Firstly. That every landholder has always exercised the right of ousting a ryot at his pleasure, which not even the ryot can deny.

Secondly. That the local authorities and village punchayets under the native rule never interfered between the cultivator and owner of land, though these tribunals constantly adjudicated in claims to rights in land.

Thirdly. That in the innumerable sepoys' petitions sent through the Residents at Lucknow, complaining of every manner of injustice, none but proprietary rights in land were laid claim to.

10. The want of communications and markets for produce, which kept down prices, and the stagnation of every branch of industry, owing to the disorders of the administration, and the turbulence of the people, would satisfactorily account for the somewhat stationary character of rents before annexation; but, practically, the landlord did raise his rents by imposing contributions and cesses on his tenants on every conceivable pretext.

11. Mr. Tucker especially refers to Brahmins and Rajpoots. Many of these castes possess, or will be admitted to under-proprietary rights, and Circular No. 2, of 1861, shows that every form of proprietary right in the land, independent or acquired, has been carefully guarded; but those who are merely cultivators generally pay lower rates than other castes: superstition

favoured the former, and is likely to favour them for some time to come, as reverence for Brahmins, which is a marked feature in the character of Oude landholders, will not rapidly decline. But, instead of seeking to perpetuate privileges according to caste ascendancy, the Chief Commissioner submits that we should rather look forward with satisfaction to the arrival of the time when caste will confer no advantages, and when Brahmins and Rajpoots will have lost the false pride that now makes them think it derogatory to put their hands to the plough, and compels the employment of servants to do their own work of cultivators.

12. The Rajpoot clansmen held at lower rates in return for military services. As the condition on which they enjoyed these privileges is no longer insisted on, the right to them ceases: the Government does not continue rent-free grants conditional on service to be performed when the service is no longer required, and the Chief Commissioner would urge that we should not call on landholders to make greater sacrifices than we impose on ourselves.

13. It must be admitted that both these classes will suffer from the change in the Government and the condition of society in Oude, but not to so great a degree as some other classes of the population. The Mahomedan residents of Lucknow and the other cities, who have lost employment by the withdrawal of the court, and in the irregular corps of the native Government, and have no land to fall back upon, are greater sufferers; and so are the Parsees, whose occupation is also gone. And against the altered demeanour of the talookdars to their clansmen and Brahmin tenantry, described by Mr. Tucker, the Chief Commissioner may set the testimony of Major Orr, of the late Oude service, whose knowledge of the province exceeds that of any officer in the service of Government, who, in writing on another subject, and describing the destitution of the classes above mentioned, remarked that the Brahmins and Rajpoots received their remuneration for service in the form of low rents, which are generally continued to them by the talookdars; indeed, it is the Chief Commissioner's belief. Such, as has already been said, is the influence of superstition, that few of the present generation of landholders will dare to raise the rents of Brahmin cultivators to the level of what other castes pay; but the Chief Commissioner cannot admit that a right of occupancy existed in these any more than in other classes of cultivators, or that caste prejudices give a claim to privileges which must be denied to the humbler and more industrious races.

14. The case has been put, of tenants who have made wells, tanks, &c. Improvement of the land, no doubt, gives a claim to consideration, which will rarely be ignored; but, except on conditions agreed to by the landlord, it can give no right to occupy the land permanently, and, to hold otherwise, might have the effect of compelling landlords to interdict all improvements.

15. The Chief Commissioner has endeavoured to show, in the foregoing paragraphs, that no right of occupancy or custom, which has acquired the force of a right, can be proved on the part of non-proprietary cultivators, and would, therefore, submit that none can be given them which will not be so much taken from the landlords. The sunnuds that the talookdars hold, only provide for the maintenance of rights previously enjoyed, and they might fairly urge that it would be a violation of the guarantee if new rights be created to their prejudice. Apprehensions (which the Chief Commissioner believes to be unfounded) of the landlord being tempted to abuse his power under a state of society that makes him less dependent on the good will of some of his tenantry (the Chief Commissioner says "some" advisedly, because he believes the industrious classes of cultivators are more in demand than ever they were) would not, in his opinion, justify us in curtailing his rights.

16. The Chief Commissioner may, perhaps, be told that Oude, which is peopled by the same races, cannot differ so much from the adjoining districts of the North-Western Provinces, where rights of occupancy were recorded at the settlement of 1833. He is not prepared to admit that these rights had any better foundation in the North-Western Provinces than he has been able to discover for them in Oude. It is not too much to say that, when our settlement officers began their task, a strong reaction had set in against the principles of the permanent settlement, by which it was supposed that the interests of the peasantry had been unduly neglected. Moreover, during the 30 years

of our rule that preceded their inquiries, the early Bengal Regulations, which recognised such rights in a part of the country where the proprietary status was widely different, had been in force, and new interests had, consequently, sprung up. That they were not so apparent to the earlier revenue officers, who must have possessed a clearer insight into the condition of the peasantry before the cession, may be gathered from Appendix 5, of "Elphinstone's History of India," wherein it is stated that, on a report called for by the Government in 1815, 11 out of 14 collectors in the North-Western Provinces considered the landlord entitled to raise his rent or oust his tenant at pleasure, and that further inquiry tended to confirm this conclusion. The Chief Commissioner speaks from his own knowledge when he says that he has seen, in more than one district, rights of occupancy profusely and indiscriminately bestowed on peasants who had no claim to them.

17. The Chief Commissioner believes that the rights of occupancy, recorded at the settlement in the North-Western Provinces, were a creation of our own; and this view is borne out, not only by the above reports, but by reference to those of some of the Punjab settlement officers, and to a correspondence recently circulated by the Punjab Financial Commissioner, styled "Proposed Tenant Code," where the Chief Commissioner finds numerous officers affirming, in plain terms, that the distinction between hereditary cultivators and tenants at will was unknown under the Sikh rule, and that the right of hereditary occupancy was entirely created by our Government, and, as the correspondence further shows, on arbitrary and varying rules.

18. Indeed, the Chief Commissioner would feel embarrassed if called upon to lay down any rule or principle for the determination of such rights. In the North-Western Provinces a simple process was adopted of declaring every cultivator who had held the same land for 12 years possessed of a right of occupancy, and this rule has been embodied in Act X., of 1859; but the Chief Commissioner apprehends that the inapplicability of such a test, or of any one founded on an arbitrarily assumed period of occupancy, without reference to its nature or origin, will now be conceded. The immediate effect might be to cause every landholder to eject all tenants who have held for less than the prescribed period; and one European landholder has intimated that, in self-defence, he must take this course if Act X., of 1859, be introduced into Oude. The Chief Commissioner confesses he does not see how any period of occupation can give a ryot who has been settled on the estate by the landholder or his ancestors a right to till the land against the owner's consent; he further submits that no ryot whose ancestors were settled on the estate can have, by mere lapse of time, acquired rights adverse to the landlord.

19. And the Chief Commissioner would here observe that the talookdars, warned by the experience of the North-Western Provinces, and relying on their sunnuds, might, perhaps, contest all such claims.

20. But supposing a right of occupancy be decreed to the ryot, the question next arises, what practical advantage will he derive from it? In the North-Western Provinces the right was valued, because it was always accompanied by the determination of his rent, and the limitation of the amount for the period of settlement. But by the old Regulation, and Act X., of 1859, the rent of a tenant possessing rights of occupancy can be raised under certain circumstances; and the recent decision of the High Court in the Hill's case has laid down the law, even in Bengal, to be that a ryot, with rights of occupancy, is not entitled to a share in the profits of the land, and has merely a right to occupy the land in preference to another at a fair rent; and what a fair rent is competition alone can determine. The tenant, therefore, gains nothing by a right so defined, for no landlord wants to get rid of a tenant who will pay the market rate for the land. The Chief Commissioner apprehends that the courts will follow the law, as laid down by the Chief Justice, and the end will only be, that we shall give the ryot a barren privilege, which will nevertheless inspire him with vain hopes, and provoke the opposition of the landlords, and thus create an antagonism of classes and swamp the courts with fruitless litigation. In support of this position, the Chief Commissioner would refer the Government of India to the letter already quoted, No. 1007, dated 27th March 1849, in which the late Lieutenant Governor of the North-Western Provinces,

Mr. Thomason, expresses his belief, "that disputes regarding the right of occupancy and rates seldom occur, except where the position of the tenants has been fixed by the operation of the existing revenue system." The Chief Commissioner hopes that, under such circumstances, it will be admitted that the right of occupancy, if decreed, would give the possessor no practical advantage over a tenant at will.

21. The Chief Commissioner would further submit that the reports of the Bengal officers on the working of Act X., of 1859, in the year 1862, which he has lately perused, present the strongest evidence of the hopelessness of attempting to control the relations of persons whose affairs can only be regulated by their own interests; indeed, it seems to Mr. Wingfield that it would be almost as impracticable for the Government to fix fair rents on the land as to determine equitable rates of payment for the necessities of life.

22. Undoubtedly, we are bound, and should be prompt, to recognise existing rights, however hampering and opposed to the public welfare, and, as has been stated in paragraph 11 of this letter, already ample provision has been made for the recognition of all and every claim which may be based on a right proprietary. But when no such right as that of occupancy of another man's land against his will can be proved to exist, which the Chief Commissioner submits to be the case, he would deem the creation of it impolitic; indeed, on the very principle of upholding existing rights, the right of the landlord to get the best rent he can for his land should be respected. The relations between the hirer and letter of land should, in the Chief Commissioner's opinion, be as unrestricted as between the buyer and seller of merchandise. The owner of land appears to him to have as much right as the owner of a house to let his property on the best terms, and any limitation of his power over it must tend to deter the application of capital to the land, and check the development of its productive powers, and, consequently, of the wealth of the country.

23. The claim of any interest, landed or commercial, to protection in its industry has been repudiated in England, but in India it is accorded to the lowest form of agricultural interest. This course of policy the Chief Commissioner believes to be opposed to modern principles. The doctrine that it is the duty of the State to interfere to prevent the owner of the soil from doing what he pleases with it, is one that Englishmen will not subscribe to in their own country; every attempt to legalise it under the guise of tenant right in Ireland has been defeated in Parliament, and the idea of limiting the power of the landlord as to the rent he may put on his land, or the choice of a tenant, has been denounced as communistic by an eminent living statesman.

24. The Chief Commissioner is aware of no reason why these principles, which he believes to be based on the natural laws of society and of political economy, should be inapplicable to India. He sees no ground for apprehension of agrarian outrages from giving effect to them; on the contrary, the Chief Commissioner has already attempted to demonstrate that the violation of these principles is the surest way of creating antagonism of classes, as the operation of Act X., of 1859, has shown. The supposition that raising the rent lessens the peasant's means of subsistence is, in his opinion, erroneous; a rise in rents is the sign of an increase in the value of produce, and, consequently, of progress in wealth and prosperity. Any measure that would keep rents down is injurious to the interests of all classes, and of none more than the cultivators themselves, to whom the stimulus to exertion and improvement would be wanting. The Chief Commissioner apprehends that, if no rent were demanded from the Indian ryot, agriculture would deteriorate, and wealth and population decline. It being his view that every landlord is entitled to demand the market rate for his land, it follows, in his opinion, that the tenant who will not pay it should take his labour elsewhere; so far from training the ryot in the idea that he has a right to till the same soil as his forefathers, the wiser and kinder policy would be to encourage him to take his labour to the best market, for it is this clinging to the soil, fostered by our system, which retards the reclamation of the waste lands, and impedes the progress of European enterprise.

25. It is well known that there is no superfluity of labour in India, though
it

it is redundant in parts. If all the land in Oude once cultivated, but for many years abandoned, were brought under the plough, the province would support another million or more of people. This consideration was before the Chief Commissioner when he drew up his circulars, in which the creation of cultivators at fixed rates was interdicted.

26. Since then, in the Chief Commissioner's opinion, there are no rights of occupancy; it will, he thinks, be as impossible for the ordinary revenue courts, as for the settlement officers, to say who is possessed of them, and he must confess that his original plan of leaving this question to the decision of the district courts is inconsistent and impracticable. He would, therefore, confine the jurisdiction of the courts, in suits between landlord and tenant, to breaches of contract, *i.e.*, breaches of the terms of the leases and complaints of ouster in the midst of the agricultural year, when no tenant should be ejected, except upon default.

27. The Chief Commissioner is convinced that the condition of the ryot in Oude will not thus be made worse than that of the non-proprietary cultivator in the provinces, where he is favoured by exceptional legislation, for the interests of the landlord will be his best protection here, as, in point of fact, they were found to be in the North-Western Provinces, *vide* paragraph 126, of "Directions to Settlement Officers," which, for convenience of reference, is quoted in the margin.

Non-proprietary cultivators are generally either the descendants of former dispossessed proprietors, or they have been located on the estate, by the present proprietors, or their predecessors; their best security, no doubt, consists in the demand for their labour. A zemindar commonly reckons his wealth by the number of his *assamees*, and the fear of losing their services is often sufficient provision against harshness or severity towards them.

28. The condition of the ryot under the native government was no doubt precarious, but it was not by the landlord demanding too high a rent, as any one who knew Oude will testify, but by his taking more than had been agreed on, that the ryot was subjected to exaction under the native rule; the landlord could not raise the rent to an excessive amount, because, if he had, the cultivator would have gone elsewhere rather than agree to pay it; he, therefore, waited till the harvest was ripe before he commenced his exactions. From oppression of this kind our courts, which bind both parties to the engagements entered into, will effectually protect the ryot. The Chief Commissioner believes that, even now, the cases in which real non-proprietary cultivators go into the Summary Suit Court against their landlords are very rare; under-proprietary claims underlie, if they do not form the ground of the majority of the suits.

29. As sound policy has been adduced as a reason for recognising rights of occupancy on the part of cultivators, the Chief Commissioner may, perhaps, be allowed to treat the question in a purely political point of view; no one, of course, would ask that the support of any one class should be gained by the sacrifice of the rights of another, but there are many who think that the security of our empire in the East depends on the attachment of the mass of the peasantry. The Chief Commissioner confesses he differs from them, and deems it to be only his duty to avow his opinion, that, in the attachment of the landed aristocracy, more effective support of our rule will be found; the utter inability, even if there were the will, on the part of the peasantry to help us was, the Chief Commissioner thinks, unmistakably evinced during the late disturbances. Where the land was in the hands of peasants, the flames of insurrection and rapine spread unchecked; they were arrested only when they reached the territories of some independent prince or great proprietor. Of the truth of this assertion he could adduce numerous instances, but they must have presented themselves to every one who has had experience of those times. What made the insurrection in Oude so formidable was, that the aristocracy of the land placed themselves at its head. The same remark applies, in a less degree, to the rebellion in Behar. The Chief Commissioner is not aware of one instance where the peasantry remained loyal when the talookdar went into revolt; they invariably followed the lead of their hereditary chief.

30. Those English officials, whose fate it was to wander as fugitives during the mutiny, heard many truths which, in other times, would never have reached their ears, and the Chief Commissioner can say from experience that our

system, which has led to the decay of the ancient landed families in the North-Western Provinces, was often regarded with dislike, even by the peasantry, whom we had raised on their ruins, but who, nevertheless, saw with regret the extinction or impoverishment of ancient families, which they revere as the heads of their race.

31. The Chief Commissioner, therefore, holds that the policy most conducive to our interests is to secure the attachment of the landed aristocracy when we are so fortunate as to possess one that consists of the hereditary chiefs of the country; and, with few exceptions, the talookdars of Oude answer to that character. We give the peasantry the benefit of equal laws, and should relieve them from every restriction that can hamper their industry, but we ought not to give them what belongs to others. No doubt they will be gratified by being told that the property in the land belongs in part to them, and that the owner may not lease it to others, or take what rent he can get for it; but while, by this course, we alienate the landed gentry, the Chief Commissioner cannot admit that the future contentment and prosperity of the peasantry will be secured by it; on the contrary, he thinks their prosperity, and that of future generations, is most likely to be promoted by emancipating them from the idea that they are bound to the soil on which they are born, by teaching them to rely on their own exertion to better their condition, and to seek the wide field of industry open to them, and by giving free scope to the operation of the ordinary laws of social progress.

MINUTE ON TENANT RIGHT OF OCCUPANCY.

THE old Regulations, by the spirit of which the Oude authorities were directed to be guided in the administration of that province, contemplate the existence of three kinds of subordinate tenures.

- 1st. Under-proprietors possessed of an heritable and transferable tenure.
- 2d. Hereditary cultivators possessing a tenure heritable, but not transferable.
- 3d. Tenants at will.

2. I propose in this paper to endeavour to prove that the second class, or non-proprietary cultivators, possessed of a tenure heritable, but not transferable, does not exist in Oude, and, further, that the tenure, even if existent, would not be worthy of record at the regular settlement.

3. As regards the existence of this class of tenure, I maintain that, if a right of occupancy exists at all, and is acknowledged by local custom and usage, the conditions of the tenure will be well known and easily capable of recognition.

4. It must be borne in mind that the Regulations which treat of non-proprietary cultivators, and on which the rights of this class of tenantry were based until Act, X. of 1859, became law, were simply re-enactments of older regulations, the provisions of which were adapted to meet a state of things known or believed to exist in Bengal Proper, and it was inferred that a similar state of things would be found to exist in the Upper Provinces; I think, however, that experience has clearly shown that the tenures on which land is held in the Upper Provinces differ materially from those which obtain in Bengal Proper.

5. In Bengal, it appears that non-proprietary tenants with a right of occupancy were known and acknowledged by local custom and usage; the conditions of their tenure were broadly defined and easily capable of recognition: these would appear to have been dependent on residence on, and cultivation of, the same landlord's property, and payment of two rents, one for the homestead and the other for the land. "This holding," says a writer who appears to be well acquainted with the subject, "was of equal force and permanence the first day of its existence as after 50 years, and had itself nothing whatever to do with lapse of time, prescription, length of possession, or any other question depending on such considerations."*

6. In the North-Western Provinces, however, no tenures of the above description existed, as may be gathered from the difficulty experienced by the authorities in defining the conditions of a non-proprietary right of occupancy. "It is impossible," says Mr. Thomason, "to lay down any fixed rule defining what classes of cultivators are to be considered entitled to hold at fixed rates."† The difficulty in defining the classes of cultivators possessed of a right of occupancy arose simply from their non-existence.

7. Similarly

* The Relations of Landlord and Tenants in India, p. 43.

† Directions to Settlement Officers, p. 130.

7. Similarly, that in the Punjab the class of mouroosee cultivator, or cultivator possessed of a right of occupancy, did not exist when we took the country, may be seen from the passages in the several "Settlement Reports" marginally quoted. The Reports quoted show distinctly either that the right of occupancy was a creation of our own,* or that the distinction between an hereditary cultivator and a tenant at will was not appreciated by the people,† or that the class was so difficult of recognition that arbitrary tests had to be applied, and that such tests varied in different districts.

Hoshiarpore	-	-	paragraph 190
Googaira	-	-	" 49
Guzerat	-	-	" 194
Umballah	-	-	" 363
Ditto - South	-	-	" 311
Gojranwalla	-	-	" 83
Ferozepore	-	-	" 225, 226

* Googaira.

† Umballah, North, para. 363.

8. For the reasons of the absence of a class of cultivators possessed of a right of occupancy in the Upper Provinces, it is necessary to look to the tenures on which the superior proprietary right is held. In Bengal, the so-called proprietors were really no proprietors at all; they were simply revenue collectors, and were recognised as proprietors, for want of a real proprietary body. In the Upper Provinces we found a real proprietary body occupying the soil by right of conquest. It can easily be believed that a class of landlords like that of Bengal would allow their cultivating tenantry to acquire rights and privileges which a real proprietary body, such as that which we found in occupation of the soil in the Upper Provinces, would never admit.

9. Further, the writer of the pamphlet on "The Relations of Landlord and Tenants in India," previously quoted, remarks that the second stage in the progress of society is "to divide the property in land between the cultivating rent-payer and the protecting rent-receiver. As long as society remains in a lawless and insecure state, this divided property in the land works well, because it is the natural expression of the best-understood interests of both. This is the feudal state of landed tenures. The lord affords protection to his vassals, who in return pay him suit and service as well as rent, and form his only defence against his enemies. The vassals pay such surplus of their produce as is necessary for the maintenance of the lord and of his more immediate retainers, because such payment is the very condition of the lord's continued power to protect them. And the lord grants his vassals permanent rights in their holdings, and does not stretch his demand to their utmost ability to pay, because the attachment and willing support of his vassals against his enemies are more important to him than a mere increased receipt of produce in kind."‡ The above appears to me to be a fair description of the relations existing between landlord and tenant under an unsettled government, and I propose to apply it to this province.

‡ Relations between Landlord and Tenants in India, p. 26.

10. It will be observed that the main conditions of the relations above described are protection on the part of the lord and suit and service on that of the tenantry. This was exactly the state of things in Oude at annexation. But it is necessary to examine into the nature of the tenantry who rendered suit and service in return for protection. In his "Report on the Settlement of the District,"§ the late Mr. Thomason, in describing the two ranks of cultivators, viz., ashraf, respectable, and arzal, or low caste, remarked that the "ashraf are generally Brahmins and Rajpoots, who are connected with the zemindars by ties of religious family connection or friendship, and hence are somewhat favoured. On the other hand, the arzal consists of bhars, chumars, and low-caste persons, who are generally located on the estate at some expense of capital, and are liable at any time to be left entirely dependent on the zemindars, who must either support them during a season of scarcity, or see their estates depopulated and their future sources of profit destroyed. The tenants at will consist mostly of those who are styled arzal; they neither have nor assert in general any rights other than the will of the zemindar; they take what land he gives them, and pay the utmost that they can in money or in kind."|| This description holds good in Oude. The tenantry who rendered suit and service to the talookdars were the ashraf or respectable classes, the Brahmins and Rajpoots. When they were Rajpoots, they were for the most part clansmen of their lords; they were descended from the same stock and owned a common ancestor with their lord; they were frequently themselves the proprietors or the descendants of those who had been the proprietors of the soil which they occupied by right of conquest, and must, therefore, be placed in the category of under-proprietors rather than of non-proprietary cultivators. Otherwise, being clansmen of their lord, they had ranged themselves under his banner and had aided him in his conquest of the estates of which he took possession, and in consideration of blood-ties and service received lands at favourable rates. Similarly, Brahmins would render suit and service in return for protection, and their remuneration would take the shape of a low rent. But neither these Rajpoots nor Brahmins, servants, would actually till the soil; they were not cultivators, but rather a class of middlemen, intercepting a portion of the rents which would otherwise have been paid to their lords by the low-caste tillers of soil: these last, as Mr. Thomason states, had no pretension to a right of occupancy, or to a right of any kind at all, and consequently, if a non-proprietary tenantry, possessed of a right of occupancy, existed, they must have been the Brahmin and Rajpoot tenantry, who received certain favours in lieu of services rendered, or from ties of kinship or religion; but these had only a claim to consideration by virtue of their respectability and the services performed. When their services were no longer required, their claims to consideration on that score ceased, and their privileges were unhesitatingly withdrawn. If Brahmins continued to retain their privileges intact, they did so in consequence of the superstitious reverence for their caste, not as a matter of right.

§ Azimghur.

|| Reports on Revenue Settlements, North Western Provinces, vol. i., pp. 35, 36.

11. I have thus endeavoured to prove that a non-proprietary class of cultivators pos-

sessed of a right of occupancy did not exist in Oude when the province was annexed. I now proceed to discuss my second proposition, and that is, whether a right of occupancy, as defined by the regulations and courts of justice, is worth recording, even if existent. I shall confine myself to a consideration of this question, so far as it affects the actual tillers of the soil, for I cannot conceive that any one will attempt to maintain that a class of idle middlemen, such as I have described in the preceding paragraph, who are too proud or prejudiced to earn their bread by the sweat of their brow, are fit objects of compassion.

12. I have already shown that, in Bengal Proper, the tenure had nothing to do with lapse of time, prescription, length of possession, or any other question depending on such considerations. The one variable element in the tenure was, the amount of rent to be paid by the tenant. In the North Western Provinces it would appear, from the passage of the "Directions to Settlement Officers," above quoted,* that hereditary cultivators were entitled to hold at fixed rates; but I think the following passages from Mr. Thomason's writings will show that, in that gentleman's opinion, such a procedure was not contemplated by law, and would be both unjust and impolitic. Mr. Thomason remarks:—"This right is not transferable, and it terminates in such lands as the tenant may from any cause cease to cultivate. There is no provision of the law which declares these rates unalterable; all the clauses of the regulations in which they are mentioned (*vide* paragraph 134, of "Directions of Settlement") describe them as altering with the circumstances of the pergunnahs. Rents in India, as everywhere else, are liable to variation, according to the general economical principles which govern the relations between landlord and tenant. The only legal proviso is, that in no particular instance should a rate be demanded in excess of that which is usual or established. The desideratum is an equitable mode of assessment."† Again, "supposing the rights of the first class of under tenants to be adequately provided for, would it be just and politic to declare any non-proprietary tenants entitled to cultivate the lands they occupy at rates fixed in perpetuity? The Lieutenant Governor is strongly of opinion that such a measure would be unjust and impolitic; it would be unjust, because it would give to persons who are not full proprietors of the land a privilege they have never hitherto possessed; it would be impolitic, because it would lessen the beneficial interest in the soil possessed by the full proprietors, and would vest the power in an occupant, who could not turn it to the best account, from his inability to transfer it."‡ And in another Despatch Mr. Thomason writes:—"The Lieutenant Governor cannot doubt that a proprietor has the right, under certain circumstances, to raise the rents both of hereditary privileged cultivators and of tenants at will, the former only according to the established usage and the pergunnah rates, the latter according to his will and pleasure."§ Again, "he (the mouroosee ryot) continues responsible to the malgoozar for the rent of his land, and so long as he pays it the malgoozar cannot interfere with him; if he sublets to a great advantage, presumption exists that the rent he pays is below the pergunnah usage, and the malgoozar may sue for re-adjustment and increase of rent, but he cannot summarily set aside the mouroosee ryot and collect direct from the under-tenant. That would virtually be to oust the mouroosee ryot, contrary to the conditions of his tenure, which are, continued cultivation and punctual payment of the equitable rent.||

13. The above extracts from the late Mr. Thomason's writings clearly show that a tenant right of occupancy at fixed rates was not contemplated by the old regulations, and the Chief Justice's decision, in what is known as the great rent case, proves that it cannot be claimed under Act X., 1859. The question then arises, of what value is the right of occupancy, unaccompanied by a right to hold at a fixed rate? Surely the supposed right is a shadow without substance, and if there be any truth in the objections of some settlement officers in Oude, that the simple record of occupancy now prescribed, with a view to test the accuracy of the field maps and the existing rent roll, gives rise to hopes in the minds of the tenantry that they acquire some kind of undefined right from the entry of their names in these records, the objection would apply with double force to a record which avowedly assumed to record rights, when the owners of the rights so recorded found, in practice, that their so-called rights carried with them no privileges.

14. It may be replied, that tenants possessed of a right of occupancy cannot be rack-rented, but can only be called on to pay rent according to pergunnah rates. Then pergunnah rates must be equivalent to favourable rates. The wording of the law is, that this class of cultivators "have a right of occupancy only so long as a certain rent, or a rent determinable on certain principles, according to local rates and usages, be paid."¶ And Mr. Thomason, in his passage above quoted, says that the condition of the tenure is, the "punctual payment of the equitable rent;" and in another place writes, "it is most difficult to determine what is the established rate of the pergunnah."*** In fact, the term pergunnah rates was copied from the Regulations enacted for Bengal Proper, and the authorities, in their ignorance of the actual state of things existing in the Upper Provinces, supposed that there were such rates as pergunnah rates there also; but the experience gained within these 50 years has shown that pergunnah rates in these provinces are a myth, and the sooner the term is discarded from our law books the better. It remains, then,

* Paragraph 130.

† Thomason's Despatches, vol. i., p. 478.

‡ Ibid, p. 480.

§ Thomason's Despatches, vol. ii., p. 131.

|| Ibid, p. 216.

¶ Clause 7, section 32, Regulation XXVIII. of 1803.

*** Thomason's Despatches, vol. ii., p. 131. See also paragraph 134 of Directions to Settlement Officers, where it is stated, "in practice such established rates are scarcely ever found to exist."

then, that a tenant, with a right of occupancy, must pay the equitable rent of the land occupied.

15. Now surely the equitable rent is whatever any cultivator will *bonâ fide* give for the land, and is it not more probable that the recording a right of occupancy will, under such circumstances, lead to greater heart burnings and litigation than the absence of such a record? For a cultivator whose right of occupancy is recorded will naturally suppose that the right which has been admitted, after a lengthy investigation, carries with it some privilege, and, when called on to pay an equitable rent, will at once have recourse to the courts, on the supposition that he is entitled to hold at a favourable rent. When a right carries with it no privileges, it appears to me to be so under policy to ignore the right *in toto*, rather than to make a parade of investigating and recording its existence.

16. But supposing it decided that the preferable plan is to investigate into the existence of a right of occupancy, and to record it when proved, I ask, how is a right of occupancy to be defined? Occupancy, based on former proprietary right, is not now under discussion; we are dealing solely with cultivating rights of occupancy, with what are termed prescriptive rights, and the difficulty is to define the term "prescription." In paragraph 130, of "Directions to Settlement Officers," the following definition is given:— "Those who have for a course of years occupied the same field at the same or at equitable rates are held to possess the right of continued occupancy, whilst those whose tenure is not similarly sanctioned are considered tenants at will." In the Punjab, as I have above remarked, the right was subjected to a variety of tests; in some districts occupancy for 12 years was accepted as a proof of the right; in others occupancy for 20 years; in another, the fact of having the first to turn the soil; and in others, having inherited the land within 12 years, or some other period; but in all the right, when recognised, was admitted with the additional privilege of holding at a fixed rate.

17. With reference to the definition given in "Directions to Settlement Officers," leaving out of the question the difficulty of determining whether a cultivator has occupied the same field, in the absence of any field survey by which certain fields might be capable of recognition, and also with reference to the uncertainty of tenures under native rule, I ask, whether an adherence to the above definition of prescriptive right (supposing always that the right carries with it some privilege) would not tell most against a good landlord, and least against a bad one? A good landlord who had acted honestly and straightforwardly towards his tenants, never oppressing or vexatiously harassing them, might have allowed the said tenants, to occupy for a course of years the same field at the same or equitable rates, and his recompense at the hands of the British Government would be the recognition of his tenantry of a right of occupancy prejudicial to his interests; whereas, a bad landlord, who had constantly driven his tenantry to throw up their holdings by his exactions, would find himself rewarded by the non-recognition of any subordinate rights in his tenantry.

18. Any more precise definition of the term "prescription" than that above quoted would probably include some term of limitation in lieu of the indefinite expression "a course of years." In prescribing any such term, it would be necessary to declare distinctly from what date the term is to reckon. It can never be intended that occupancy under pottahs,* or lease bonds renewed from time to time for terms of one or more years, or occupancy without a lease, should confer a right. In the draft Bill for the limitation of suits there was a provision to the effect, that "nothing herein contained shall give to the occupier of any land a title by prescription to the perpetual occupancy of such land by reason only of the fact that he has been allowed to occupy such land for upwards of 12 years without a lease and paying the same rent." ("Calcutta Gazette," 5th August 1855). This provision was unfortunately omitted in the law which was passed as Act XIV. of 1859. If occupancy without a lease, or under a succession of leases renewed from time to time, does not confer a right of occupancy, it follows that occupancy to confer a right must have been held under one pottah. The Agra Sudder Court have lately ruled that a lease for an indefinite time, but containing nothing declarative of its conveying a heritable or perpetual title, can only be regarded as limited to the lives of the lessees.† The ruling applied to lessees only, on the ground that "though law and usage have recognised the heritable tenure of cultivators, the court was not aware that the same title, by prescription, had been accorded to lessees or middlemen." But surely the ruling is applicable to all leases, without reference to the amount of land leased, or to the manner in which the lessee chooses to profit by the lease; that is to say, whether he cultivates the land himself, or lets it out for cultivation to others.

† Selected Decisions for May 1863, p. 465.

19. Again, it may be urged that occupancy through two or more generations might be held to confer a right; but this definition appears faulty, for the mere fact of succeeding by inheritance to the possession of a property can confer no right to that property: it might be held to give the present occupants a life interest in the property, but certainly not to confer a right of occupancy in perpetuity.

20. In

* Act X., of 1859, declares occupancy for 12 years, with a pottah or not, confers a right; but this is the most communistic doctrine that has ever been legalised under British rule.

20. In some quarters the opinion has found favour that a right of occupancy cannot be acquired subsequent to a regular settlement.* But such an opinion appears to me totally untenable, for, if occupancy for a specified number of years, or under certain conditions, is to be held to confer a right at all, there can be nothing in the nature of occupancy under the British Government to deprive an occupant of the power of acquiring a right

which he would have been held to have acquired under similar circumstances under native rule. Whatever objections may be urged against the principle of Act X., 1859, it cannot be accused of promulgating such a gross inconsistency as the above. The author of the pamphlet on "The Relations between Landlord and Tenant in India" objects to Act X., 1859, not because it recognises the acquisition of a right of occupancy at any time, but because it makes the acquisition of the right dependent on a condition, viz., length of occupancy, which was unknown previous to the introduction of the Act.

21. The conclusion at which I arrive is, that the policy pursued in Oude, of not recognising a non-proprietary tenant right of occupancy, is the only sound one, and not only on the ground that such a right was unknown under native rule and should not be created, but also because it is impossible to define what is meant by a right of occupancy in such a manner as to permit of its recognition without great injustice, and because, when recognised, it conveys no tangible right or privilege.

(signed) Chas. Currie,
Settlement Commissioner.

Mr. Currie, Commissioner of Settlement, Major Chamier, Captain McAndrew, Captain Thompson, Mr. King, Mr. Anderson, Mr. Glynn, Mr. Kavanagh, Deputy Commissioners and Officiating Commissioners, are of opinion that there is no class of non-proprietary cultivators possessing rights of occupancy distinct from tenants at will.

Mr. Young, Assistant Commissioner in charge of Fyzabad district throughout 1863, says that, in summary suits, cultivators may plead that they and their ancestors have tilled the land for generations, and this is the case, but always at variable rents. No right of occupancy was ever respected by the landholder, nor has he ever seen a right of occupancy claimed apart from proprietary claims of some kind or other.

Mr. Simpson, Commissioner, Fyzabad division, thinks we did find at annexation rights of occupancy existing in a certain class of cultivators, but that these rights were fostered by the landlords from motives of self-interest, and did not derive their sanction from any law or usage having the force of law, and the right merely conferred a right to occupy the land in preference to any other tenant, without necessarily involving more favourable terms as regards rent (from his reference to a feudal state of society): this remark can only refer to Rajpoots and Brahmins, as they were the only classes that rendered military service as feudal retainers.

Mr. Clifford, Deputy Commissioner, Oonao, alludes only to a right of occupancy at easy rates claimed by mokuddums or head ryots, but explains that the privileges they enjoyed were in return for services in managing the villages, and were not always hereditary; that the landlord could, if he pleased, dispense with their services and employ other persons.

Mr. Carnegie, Deputy Commissioner of Fyzabad, says he does not think we have come across any cultivators whose connection with the soil can be said to constitute a right of occupancy as distinguished from tenants at will. He then describes certain persons who possess certain privileges; the first class corresponds with the mokuddums described by Mr. Clifford; the second had improved the land in their occupation; the third had reclaimed land from waste (these two last classes in consequence pay lighter rates): waste land was frequently given on clearing leases, or on birth tenure, which conferred a proprietary right; such tenures will be maintained as subordinate proprietary rights.

Mr. Capper, Deputy Commissioner of Lucknow, names certain races "Lodh, Koormees, Kachees," as possessed of a cottier right of cultivation: this description of their condition I really cannot follow, or understand how their making common cause with the zemindars against the Government officials, or the tendency of their position to assimilate itself to that of serfs in Norman England and Russia, afford any evidence of the rights of occupancy now referred to.

Mr. Boulderson, the Assistant Settlement Officer, referred to by Mr. Capper, explains that cultivators had complained to him of being ejected from fields they had cultivated for centuries (does not enter into the general question).

Mr. Perkins, Deputy Commissioner of Sultanpore, says that, if an answer is to be given to the broad question, he would say that there is no class of cultivators possessed of permanent rights of occupancy. He goes on to remark, that land has been held for several generations in one family; but it never occurred to cultivator or landlord to speculate on the existence or nature of the right enjoyed by either. In times past, the proprietor was more dependent on a good cultivator than he is at present: the tenant became attached to the land, which then, as a matter of convenience, was transmitted from father to son; therefore it cannot be denied that, though no prescriptive right is considered to rest in the tenant, public opinion among all classes of the community is opposed to the ejection of an hereditary cultivator.

Mr.

Mr. Tucker, Commissioner, Khyrabad division, on the general question of ryot's rights, refers to previous letters, in one of which, No. 400, dated 21st November 1861 (copy sent), he assumes such right to exist, and recommends that the landlord be restricted in his demands from all cultivators who have been in possession of the land for 12 years to the rental to be prescribed by the settlement officers, which should not exceed double the Government assessment.

(The Officiating Chief Commissioner's reply is also submitted, and makes any comment from me on such a proposition unnecessary). No. 3993, dated 10th December 1861.

(signed) *C. J. Wingfield,*
Chief Commissioner, Oude.

From *St. George Tucker*, Esq., Commissioner, Baiswarra Division, to Major *J. Reid*, Officiating Secretary to Chief Commissioner, Oude (No. 303); dated Roy Bareilly, 31 October 1862).

DURING my recent journey to Pertabghur, I have made particular inquiries of Mr. King, the settlement officer, and of Captain Clarke, his assistant, regarding the progress of the settlement, and I have the honour of bringing, without delay, some of the principal difficulties which embarrass them to the notice of the Chief Commissioner.

1stly. The determination of both talookdars and of the tenantry to keep the settlement officers in the dark regarding the true history of their villages. As there is a great want of reliable written evidence, and as verbal evidence can seldom be depended on, the progress made in recording rights has hitherto been slow and unsatisfactory. Mr. King states, that he does "not think that the inner history of village tenures will be found out in this talookdaree settlement; it is not the interest of either party to disclose the real facts of their cases."

The state of the Pertabghur district is different from that of other districts in Oude: there are tenures of various kinds, and all classes and castes cling to their rights, whatever they may be, with great tenacity.

In order to relieve the settlement officers of the most difficult portion of their work, and to accelerate the settlement, I respectfully beg to repeat the request made in my Annual Report, that only rights in possession should at present be defined.

2ndly. Mr. King urges, that "there should be some middle place, between the under-proprietor and the tenant at will, to let the present generation down easily."

That officer is of opinion, that "this settlement may be briefly described in giving the talookdar the benefit of all doubts which may arise in the thousand questions concerning the particular parties in whom particular rights vest." He states, "the change from old ways will be very great, and much individual suffering will, of course, happen while the present generation are learning to adapt themselves to the new state of things."

And he now sees the necessity of "interposing between parties who are estranged, in consequence of conflicting interests in the settlement, and breathing an animosity which precludes the idea of amicable terms in the future."

He therefore proposes, that when the settlement officer "cannot find any precise amount of land to which good title can be shown, but still that a title to something is made out, I would have him weigh the position mentally, and match it with under-proprietary rights in so much land."

2. Mr. King's difficulties appear to arise, partly from the wording of paragraph 15, of Circular B., of the 7th October 1861, and partly from his omitting to recognise rights founded on long and uninterrupted possession.

3. With reference to paragraph 15, of Circular B., I am of opinion that the attempt to collect from Rajpoots the same rents which are levied from tenants at will, will be immediately followed by a vast increase of crime. In my Annual Report, I pointed out the great distress caused among the clans by the loss of Government service, by the loss of services under talookdars, and by the rise in ploughmen's wages: there is at present a great demand for ploughmen.

4. Rajpoot tenants require ploughmen: few of them will drive the plough; their ancestors for centuries past have never ploughed. As they have to pay others for ploughing, they cannot, therefore, pay the same rents as can be paid by other castes.

5. With reference to claims founded on long and uninterrupted possession, but unsupported by written documents, I would remark that, in this province, many undoubted titles exist and are admitted which are unsupported by any deeds.

6. The custom of the pergunnah should guide the settlement officer in deciding on rights unsupported by documents, as alluded to in paragraphs 2 and 3 of your letter, No. 1663, of the 19th June last. Most of the holders of such rights should be recorded, I presume, in the Assameewar column, in accordance with paragraph 8, of letter No. 4020, of the 14th December last; but the precise nature and terms of each holding will be described in the wajib-ool-urz.

I forward Mr. King's letter, in original, for the Chief Commissioner's perusal.

From the Secretary to Chief Commissioner, Oude, to the Commissioner, Baiswarra Division (No. 3137); dated Lucknow, 15th December 1862.

I AM directed to acknowledge the receipt of your letter, No. 303, dated 31st October last, and its enclosure, and, in reply, to state that the Chief Commissioner cannot consent to give, as proposed by Mr. King, authority to a settlement officer to provide an equivalent in land for rights that he cannot define; and it was almost unnecessary to ask for permission to enter in the *wajib-ool-urz*, with the signature of both parties, any voluntary arrangements entered into by them, as, in the instances specified by Mr. King, of an allowance from the talookdar to a headman of a village for collecting the rents or other village service.

2. In regard to Brahmins and others who pay lower rents than other cultivators, not of right, but solely on account of superior caste, the Chief Commissioner wishes to know whether the difficulty dwelt on by Mr. King has actually occurred or is only anticipated, as, until the jumma of a village has been declared, landlord and tenant will not come to terms about the rent.

From *St. George Tucker*, Esq., Commissioner and Superintendent, Baiswarra Division, to *C. Currie*, Esq., Secretary to the Chief Commissioner, Oude (No. 400); dated Sultanpore, 21st November 1861.

MR. KING, the settlement officer in the Pertabghur district, solicits further instructions regarding the preparation of jummaوندهes, in accordance with paragraphs 20 to 23, of Settlement Circular No. 1.

2. That officer is of opinion that, with the talookdaree system, the diminution of the importance of putwarees, the record in the two latter columns of the *khutonee*, the order for the enforcement of the delivery of pottahs, the non-recognition of cultivating rights, and the general spirit of our settlement instructions, a jummaوندهe, of the kind described in the directions to settlement officers, is not required in Oude.

3. From the instructions conveyed in paragraph 31, of Settlement Circular No. 2, of the 29th January 1861, and in paragraph 16, of Circular B., of the 7th ultimo, it would appear that jummaوندهes are not required. In assessments, jummaوندهes can never be a sure guide, neither can they be depended on for the purpose of ascertaining the fair rates alluded to in the Circular last quoted.

4. As I understand the intentions of Government, it wishes that *pergunnah* fair rates of rent, according to the qualities of the soil, should be determined, and that cultivators should not be forced to accept pottahs, binding them to pay rents exceeding such fair rents. On the other hand, talookdars will be permitted to raise the rents of all their cultivators to the prescribed fair rates, and may give pottahs for any number of years they please; both parties to be encouraged to register their contracts at the nearest notary's office.

5. The chief difficulty in carrying out such a system will consist in determining fair rates, in accordance with column 15 of the *khusrāh*; such numerous causes are at work to cause variation in the kind, quantity, and value of crops produced, that three rates will scarcely be sufficient to protect the cultivator without causing loss to the landlord.

6. In my humble opinion we shall save ourselves much trouble and prevent misconception of our intentions by upholding the rights which exist, which principle was so emphatically announced by his Excellency the Governor General a few days ago at Benares. Few of the low-caste cultivators have hitherto paid less than fair rates, and all that I ask for is, that the landlords demand from *mouroosee* cultivators, who have been in uninterrupted possession of their fields for upwards of 12 years, should be confined to the rental prescribed by the settlement officer, amounting to double the Government demand.

7. Such cultivators will then feel that their tenure is secure, for the settlement officer is not, like the landlord, tempted to rack-rent; there will be no need of their emigrating to the country beyond the Gogra under circumstances which, in their minds, would involve a denial of justice.

8. Mr. King begs "instructions on a point, in the work of preparation of settlement papers, which is not clear to me. I refer to the preparation of the jummaوندهe.

"The orders issued for our guidance on this point are in paragraphs 20, 21, 22, and 23 of Settlement Circular No. 1. The jummaوندهe is to be made by the putwaree, who is to enter facts as they exist; the document, when made, is to be tested by rehearsal in the village, and the settlement officer is to satisfy himself that this has been done, and the jummaوندهe a real record of the existing state of the village rent-roll. This done, all the receivers of rent are to give pottahs to their tenants, in conformity with the entries of the jummaوندهe.

"I should like much to know the spirit in which this last instruction is conceived. Is it ordered for the protection of Government as a check against collusion, lowering of rents, or was it ordered for the protection of cultivators? If with the latter view, the order may

may be looked on as parenthetically introduced without reference to the main subject of the paragraph, and may be understood as merely indicating to the settlement officer, who is also Deputy Commissioner, an apt moment at which to insist on the highly desirable proceeding of delivery of pottahs. If I am right in so regarding the latter part of paragraph 22, I shall find myself relieved from some confusion which the other interpretation of this order causes in my mind.

"To show my meaning plainly, I must, I fear, be somewhat tedious. The primary object of a jumma-bundee is, I suppose, to serve as one source of information to the settlement officer when seeking to ascertain the value of land property. The directions of paragraph 20, of Circular No. 1, show that this is the kind of jumma-bundee which is contemplated. Facts as they exist are there to be recorded.

"When the settlement officer has approved this jumma-bundee, it appears to me to give this document another character; to require pottahs to be given in conformity with its entries. The critical moment of receivers of rent in a village has arrived at settlement; and it appears to me an unfit time for requiring lessors and lessees to make engagements to be superseded by new pottahs rendered necessary by the revision and probable increase of the Government demand. But do not paragraphs 20 and 22, of Circular No. 1, permit or rather encourage this idea?

"In Appendix No. XX., Circular Order H. H., of 29th July 1856, I find allusion to the preparation of jumma-bundees, but I confess I cannot see what conclusion is arrived at in that order and the reply to it. Directions to settlement officers.

"The Board of Revenue certainly contemplate a record made with care and tested by examination in the most searching way. They speak of the document being no longer made by the landowner, but as being taken under Government supervision, and taking its place among the records with the stamp of Government approval and sanction. This cannot mean that the jumma-bundee is only a guide to the rent value of the land, for why should Government sanction that? It must mean that the rates in the jumma-bundee are to be conformed to for some period not stated. But the Lieutenant Governor in his reply evidently treats the jumma-bundee as a mere guide to the rent-roll of land. It may also be understood from those letters, that fresh jumma-bundee is to be made at the close of the settlement, altered from the facts recorded by the putwaree to meet the new state of things consequent on settlement. Is this the jumma-bundee we are to make?

"I submit that, with the talookdaree system, the diminution of the importance of putwarees, the record in the two latter columns of the khuteonee, the order for the enforcement of delivery of pottahs, the non-recognition of cultivating rights, and the general spirit of our settlement instructions, a jumma-bundee of this kind is not wanted in Oude. Government must trust to the arrangements now made by the settlement officers, that it does not forego a fair share of present or prospective land revenue. The value of an estate is now gauged, and till the expiration of the term of settlement, Government ought not to need to inquire into the assets of a single mehal. If the custom of giving pottahs be forced (which may be done by our courts disallowing rents not recorded in a pottah, and by no milder measures), the lessee will not need a jumma-bundee to refer to. The landlord does not want the jumma-bundee at all, save, as it may be a convenient method of recording in one document, the summaries of all the pottahs of a village. His demands are limited by the recorded sub-rights in the case of under-proprietors, and the inexpediency of driving away agriculturists in the case of other tenants, zemindaree, and bhyachara villages will have their khewuts as a record of their shares.

"There seems no room then left for the jumma-bundee as a record of rates to be conformed to by landlord and tenant, such a jumma-bundee as the Board of Revenue appears to me to contemplate in their Circular Order H. H., above quoted, and which the latter part of paragraph 22, of Circular No. 1, seems to refer. What I want then to know is, what is the precise intention of the last part of paragraph 21, of Settlement Circular No. 1, and am I to prepare a jumma-bundee which is to be recorded with the other papers of the settlement file of a village, not solely as showing by what guide I was led to my assessment, but as a standard for future reference in arranging disputes about rent between landlord and tenants?

From the Secretary to Chief Commissioner, Oude, to the Commissioner, Baiswarra Division (No. 3993); dated Lucknow, 10 December 1861.

WITH reference to your letter, No. 400, dated 21st ultimo, soliciting further instructions regarding the preparation of jumma-bundees, in accordance with paragraphs 20 to 23, of Settlement Circular No. 1, I am directed to observe as follows:—

2. There is a great deal of truth in Mr. King's remarks upon a jumma-bundee. The more our system diverges from that of the North Western Provinces, the less use shall we find for such a document. It can be considered only as a convenient record of the entire rent engagements of the cultivators of a village, and as a standard of reference as to the amounts of these engagements at the time when it was prepared, and thus it will incidentally show how far the settlement officer's assessment agreed with the actual rental of the village; but it is not a guide to the assessment, nor does it show how the amount of assessment was arrived at, though it may explain some points, and most assuredly it is not a record of rates to be conformed to by landlord and tenant; for no such record can exist,

in accordance with that great principle in our settlement, that cultivators merely, as such, have no rights in the land arising from occupancy only beyond that of occupation at fair rates of rent.

3. From this it will be seen, that a jumabundee may be prepared at any time most convenient during settlement. It ought to be tested, and the zemindars desired to give pottahs according to it; but the period of the pottah is at their discretion. It may be for one year or for more, and when it expires, the zemindar can renew at the former or higher rates, according to the arrangements he makes with the tenant. If a dispute on the subject is brought into court, then the jumabundee may be useful, so far as to show the prevailing rates of land of the same quality and under the same general circumstances, and thus enable the officer trying the case to approximate to fair rates; but it can by no means be considered as ruling the rates which are to be inflexibly adhered to; for the lands of a village may have been hitherto assessed at a lower than the fair rate for any one of many reasons, or their value may hereafter increase for as many more, and the landlord is entitled to a share in that increase, unless his right has been fettered for a time, or permanently, by himself or his predecessors.

4. You will understand that, in this letter, the person entitled to receive rent from the occupant is styled landlord, whether he be talookdar or under-proprietor, or birteea or sunhullupdar, or thekadar, and the words ryot or occupant are used to mean persons having a right to occupy on payment of a fair rent, and it must be recollected that no period of occupation only gives a right to hold at fixed rates, and that no ryot entering by virtue of a pottah for a fixed period on the occupancy of land, not before in his occupation, has any right to occupancy after the period of his pottah has expired. There are cases where the right of a mere ryot to hold at fixed rates is acknowledged to exist, but this right never, so far as the Officiating Chief Commissioner has seen, takes its rise in occupancy only, but always has some distinct recognisable origin. You will shortly receive a circular touching on this subject.

5. With reference to your 5th paragraph, the Officiating Chief Commissioner thinks you must have confounded descriptions of soil with rates of rent, and refers you to paragraph 17, Circular No. 1.

6. The Officiating Chief Commissioner entirely agrees with you as to the absolute necessity of upholding existing rights, and he would consider it the gravest infringement of that principle if he were to assume that, because a man has rented a field from its owner at the same annual sum for 12 successive years, he was therefore entitled to rent it for ever at the same sum, or at double the amount of a demand which Government, for the public interests, has fixed arbitrarily as the limit of its own right for a longer or a shorter period, perhaps for ever. The owner of land is entitled to fair, that is, to the market rates for it (provided, of course, he has not contracted for others), as much as any merchant is entitled to the bazaar price for his commodities; and this right to demand a higher rate, when the market rises, is not restricted by the fact of the market rate having hitherto remained steady in consequence of small demand, or other reasons arising from the state of society and government. Had the Officiating Chief Commissioner found that such a right existed, as that you refer to in paragraph 16, he would certainly have upheld it, but he has never seen an instance of it, or even found an officer who could show him one; he of course does not now allude to holdings of the nature described at the close of the last paragraph.

7. Your own proposal to permit a landlord to raise his tenant's rent to double that of the Government demand, but no higher, while it shows that even, in your own opinion, mouroosee ryots at fixed rates do not exist, appears to the Officiating Chief Commissioner as direct an infringement of existing rights as can well be imagined. A landlord is owner of his land, and the fact that Government, for its own sake, takes measures to assess and limit its demand for revenue upon him, cannot justly deprive him of the power to make the best of his property, although his market may be restricted, in the first instance, to those already on his land.

8. The Officiating Chief Commissioner is aware that the principle of the Oude system, which forms the subject of this letter, is not that of the adjoining provinces; but it does not, therefore, follow that it is a wrong one, and he trusts to your carrying it out thoroughly, but with due discrimination of the facts of each case that comes before you.

From *R. M. King, Esq.*, Officiating Deputy Commissioner, Pertabghur, to the Commissioner, Baiswarra Division (No. 811); dated 9 October 1862.

Bheek Panday v.
Dewan Hurmungal
Sing, talookdar of
Ooriada Jowtalee.

WITH reference to a settlement case in which I, with the consent of the parties, awarded to a Brahmin a life tenure in certain land, and you disapproved of my order, and returned the case to make my order conformable to law, I have the honour to inform you that, yesterday, I dismissed the Brahmin's claim *in toto*, as I could not find that he was entitled to the under-proprietary tenure which he claimed.

2. It is true that our present settlement rules have not provided for the cognizance of any but regular claims, by which I mean claims to tenures which will be heritable and transferable, but that further general rules might be issued, or that special cases may be decided in special ways appears probable, if good reason can be shown for it. Paragraph 16 of the records of rights' circular seems to warrant my holding this belief.

3. I therefore think it right to state that I think that there should be some middle place between the under-proprietor and the tenant-at-will to let the present generation down easily.

4. There is no use disguising the fact that a talookdaree settlement, such as it will be made in Oude, will be the commencement of a new era in landed property. The effects cannot be limited to the bare right to engage for the payment of the revenue, but the talookdar is made actual owner of much that was debateable before; and the spirit of our instructions for settlement may be briefly described as giving the talookdar the benefit of all doubts which may arise in the thousand questions concerning the particular parties in whom particular rights vest.

5. Now I suppose there is no country in the world where so much margin for doubts to work will be found as in India, and if the talookdar is to have the benefit of them, he will be an immense gainer; the result will be a tenure of property almost English; the talookdar will be sole owner of all, except that which is awarded to under-proprietors. No rights by prescription, or occupancy, or favour will be allowed for the future; the only limit to the talookdar's power will be his own interest in the well-being of his property. That this will ultimately be to the good of the country I do not doubt, but the change from old ways will be very great, and much individual suffering will of course happen while the present generation are learning to adapt themselves to the new state of things.

6. This brings me back to where I started from, and to my proposal, which is, that power be given to the settlement officer to recognise and stamp with his authority voluntary arrangements by parties in matters relating to land tenures which do not amount to the nature of under-proprietary right transactions, and also to award rights for the life of the incumbent in similar cases.

7. There are many rights and privileges which are not in actual possession of land by right, the most common of which is, perhaps, the position and dignity of a headman in a village, including the duty of paying in the rents, and this is quite distinct from a pucca theeka. There are also grants held on low rents or rent-free; sometimes, too, a right of cash nankar or a jagheer for service not very easy of definition, either past or present; sometimes, too, a kinsman of a talookdar holds a batch of villages at a fixed rent, but on score of kinship, not of right.

8. It is these kinds of rights which I should like to save in a few instances in which it seems advisable to interpose between parties who are estranged in consequence of conflicting interests in the settlement, and breathing an animosity which precludes the idea of amicable terms in the future.

9. The exercise of this authority should be very sparingly used, but I think the fact that terms arranged by the parties themselves, short of under-proprietary rights, could be protected for life of the tenant by the sanction of the settlement officer, would lead one party to moderate their claims and the other to accede to a liberal arrangement. The great value of under-proprietary rights now leads parties to contest them fiercely, and often to lose all in attempting to gain much more than they have any right to.

10. I must confess that I think the power to award [life-tenures should not be given to settlement officers, because I would give him the power to reduce all these at present indistinct rights to some definite amount, and commute it into so much under-proprietary rights as he thinks proper. I have already informed you that I do not think that the inner history of village tenures will be found out in this talookdaree settlement; it is not the interest of either party to disclose the real facts of their cases, as we find that they did in the village settlement of the North-Western Provinces. In the presence then of this important fact, and of the necessity we are under to make a settlement which shall last the test of time, I would have the settlement officer get as near as he can to the true facts of the position of the parties, and if he cannot find any precise amount of land to which good title can be shown, but still that a title to something is made out, I would have him weigh the position mentally and match it with under-proprietary right in so much land. You have, however, so strongly disapproved of this license, that I think it necessary to ask for the power to award life interests, as well as recognise and sanction voluntary arrangements of a character less than under-proprietary right transactions.

From the Commissioner and Superintendent, Baiswarra Division, to the Secretary to Chief Commissioner, Lucknow; (No. 79), dated Sultanpore, 19 March 1862.

On the 10th ultimo the settlement officer of the Pertabghur district submitted various observations on our settlement system, which, in justice to that officer, I have quoted below at length.

2. Mr. King's argument appeared to me to be entirely founded on a mistake; he assumed that in Oude no tenant rights were to be recognised, and therefore he urged that we should leave all non-proprietary cultivators out of our khusrahs and khuteonees.

3. In my reply of the 11th ultimo, I requested Mr. King to bring the subject to the Chief Commissioner's notice on the following day, when the Chief Commissioner's camp would be at the Pertabghur civil station.

4. On that day, the 12th, Mr. Yule gave Mr. King and myself full instructions, and in order that they might be placed officially on record, I requested Mr. King, demi-officially, to make a précis of the conversation to be forwarded to you.

5. That officer has neglected to do so, but in a public letter of the 12th instant has again requested me to forward his first letter for the orders of the officiating Chief Commissioner.

6. I understood Mr. Yule's instructions to be as follows:—

1. That all land was to be entered in the khusrah, whether held by proprietors or by non-proprietary cultivators. It is, I think, of great importance that the fields of cultivators should be measured; until they have been measured it will be difficult to decide satisfactorily summary suits, whether for rent or exaction. It would cause great inconvenience and lead to great abuses, if the summary suit courts were required to have the land measured before they could decide a suit.

2. That Government had not ignored the rights of occupancy enjoyed by cultivators; that it had not authorised their being rack-rented or ousted at the will of the proprietor; that by paragraph 16 of Circular B, of the 7th October last, it had declared that cultivators are entitled to hold their ancestral fields at fair rates, and that, in cases of dispute regarding what is a fair rent, the district officer was to arbitrate.

I also understood Mr. Yule to direct us to be guided by the spirit of Act X. of 1859 in our dealing with questions regarding tenant right.

3. Tenants enjoying the right of occupancy are not liable to be ousted unless they fall into arrears.

4. If no pottah has been offered by a proprietor to a tenant, the rent to be awarded will be the same as that of the preceding year.

7. Mr. King, on the 10th of February, laid before me the following observations:—

"Paragraph 1. Upon the system of our settlement, and the practice which has been prescribed for the carrying out of the work of it, I am of opinion that the adoption of the Thomasonian record of rights in land is unsuited to Oude, and that as we have departed from the North Western Provinces principles of settlement, so we must, to a far greater extent than hitherto, depart from the forms in which we record our work.

"2. The khusrahs, the khuteonees, and the jummabundees of the 'Directions' are admirably adapted for the entries of those minute statistics of rights in land which form the village settlement system of the North West; but I am convinced that they are not only ill-suited to but absolutely mischievous in Oude. Rightly or wrongly, the practice in this district has been to record, as in the old style, all occupancies, from freeholds to tenancies at will, as recognised and prescribed in the Thomasonian directions; but I think that a very little reflection will show that these entries were only recorded there to represent rights which North-Western Provinces Government laboured to define because it intended to recognise and maintain them in its courts for the future. But in Oude we do not recognise a multiplicity of rights in land; we have the superior and the inferior, and ordinarily go no lower. We ought, therefore, I submit, to record no others, to ask no questions regarding others, and to leave all cultivators out of our khusrahs and khuteonees, as we intend to ignore their rights (not acquired by agreement with a landholder) in our revenue courts.

"3. The labour of recording every cultivator's holding (be his status what it may) in every village must be familiar to every one who knows the fabric of a khuteonee, and to save eight-tenths of this, which would in many places be done, by confining the researches of the settlement staff to the owners of rights, such as our Oude laws intend to uphold, would be no small advantage.

"4. But beyond this I maintain that the entry of each holding in a village, as is now done, is positively mischievous and likely to render the progress of the settlement extremely slow, if not to render it abortive, not from the labour to be undergone, but by the delusive hopes which such records create in the minds of cultivators who, from the fact that their position has been recorded in the khusrah and khuteonee and jummabundee, believe that their interests are thereby secured for the future, and can only be assailed hereafter through the tedious process of a suit in court. I need hardly say that such hopes have no warrant in the principles issued for our guidance by the present Officiating Chief Commissioner or Mr. Wingfield.

"5. My experience for the last month has convinced me that this delusive hope is not only breeding future disappointment for the unenlightened, but acts as a check upon those who are really entitled to have subordinate rights recorded.

"6. On

" 6. On going into the Putee tehsil after some weeks' experience in the Pertabghur pergunnah, I was surprised to find how few claims in comparison to record of inferior rights were made before me; and on fuller inquiry in the Powara ilaka, where I personally tested on the spot the papers of every village, I found instances where undoubted claims to specific record of right were not put forward, the owners being quite contented with the khuteonee entry of their fields, and more than pleased with the low rates of rent which it suited their landlords to acquiesce in for the present purpose of forming the cautiously weighted jumma-bundee, which is prepared for the information of the settlement officer. It was with some difficulty that I got these claims to be preferred for adjudication, and you will easily understand how an ignorant peasant can be cajoled or frightened into being satisfied with a khuteonee record which is really not worth a farthing.

" 7. I therefore propose that all entries, except those of right, be discontinued from our khuteonees, which will then be the register only of the subordinate interests in the land of the village to which it belongs. I would also omit the names of the cultivators in column 4 of the khusrah, and so efface from our records all mention of the cultivating tenure which is unrecognised by our laws.

" 8. The khuteonee will thus be really a record of rights established by inquiry and confirmed by a judicial order, and while the mere cultivators are undeceived as to their real position, those who have really claims will at once bring them forward to be recorded.

" 9. The work of the ameens will be greatly diminished, and the settlement judicial staff, though more heavily tasked than before to adjudicate the many claims which will at first no doubt be preferred, will not require nearly so much increased strength to meet its duties, as the relief to the ameen will, by quickening their work, cheapen the cost of the settlement.

" 10. Progress would apparently be slower than now, but in reality would be faster; for each completion of a khuteonee would then signify the final decision of claims in the village, whereas it now means nothing, and, as I find to my cost, has sometimes to be made *de novo*, where a judicial decision upon claims (made after the ameen and moonserim have finished the paper) renders it necessary to recast the whole framework of the subordinate tenures in a village. This would never happen if only parties with rights were recorded. Much of the uncertainty and haziness attending the proceedings of the settlement, as to whether all the questions of right in any particular village are decided or no, would be prevented, and each step of the settlement would be defined, and a certain advance towards the end.

" 11. I have reason to believe that the Commissioner of Lucknow advocates the employment of the settlement establishment (not the ameens) in the preparation of the khuteonees; and if he finds that the amount of record now entered can be encountered by the settlement mohurrirs, I have no fear that my plan will overburden them. The ordinary work of recording the minor kinds of under-proprietorship would be the work of the extra Assistant Commissioner, from whose inquiry and order an appeal will lie to the settlement officer, who would be similarly employed in his own office, besides exclusively hearing and deciding the more important cases. After a few decisions in these cases had been confirmed by superior authority, the people would learn the kind of claims which were valid, and many questions would be settled by mutual agreement of parties, leaving nothing to be done but a record to be made of the fact in the khuteonee.

" 12. My letter, No. 854, dated 7th November, gave you my ideas regarding jumma-bundeas. There my conclusions were in favour of leaving the preparation of this paper very much to the putwarees to be tested by the settlement officer, not that it should be kept as a record of rights, or even compacts between landlord and tenant, but merely as one guide among many to the value of the land. This view is inconsistent with the meaning usually given to the 22d paragraph of the settlement circular No. 1, but I cannot see how the jumma-bundee now prepared can be treated as an authoritative reference for the terms which are to subsist between landlord and tenant even for the present year. Much less can the terms existing now (even supposing them to be honestly recorded, which they seldom are) be extended to future years. The only leases for future jumma-bundeas must be pottahs of which the terms will be settled privately. These must be the authoritative references in summary suits, and I firmly believe that it will be necessary to refuse rent not so recorded in our courts, in order to make the landlords and tenants give and take pottahs; nothing less will have the desired effect.

" 13. To recapitulate them, I believe that the principles of the revenue settlement in Oude necessitate the abandonment of many of the entries now enjoined in the khusrah and khuteonee and total disregard of the jumma-bundee, except as a guide to the value of the land, and with these omissions authoritatively permitted, the work of the settlement will proceed more rapidly and more satisfactorily than at present."

From the Settlement Commissioner in Oude, to the Secretary to Chief Commissioner, Oude; (No. 2266), dated Lucknow, 22d August 1863.

Pertabghur.
Oonao.
Roy Bareilly.
Lucknow.
Durriabad.
Fyzabad.

IN reply to your letter, No. 2011, dated 11th July last, calling for a report on certain points connected with the question of a cultivating right of occupancy, I have the honour to forward, for the information of the Chief Commissioner, the replies of the several settlement officers noted in the margin. The settlement officer of Sultanpore states that a reply will be sent "when sufficient data have been obtained; the matter is too weighty to be disposed of summarily." I do not consider it necessary to await the result of Captain Perkins's inquiries, which can be reported hereafter.

2. The replies generally go to prove that applications have not been preferred by cultivators to have the amount of rent payable by them fixed and recorded, and that there is no class of cultivators considered to have rights of occupancy as distinguished from mere tenants-at-will.

3. Mr. King appears to me to have accurately described the true state of the case when he says "that a landowner would be inclined to treat more liberally with an old tenant whom he knew and liked than a new one;" and when it is remembered that the best tenants are Aheers, Lodhs, Koormees, Kachees, &c., as being the most skilled cultivators, and that the reverse of Mr. King's proposition is equally true, viz., that a cultivator would rather have to deal with an old landowner whom he knew and liked than a new one, the fallacy of the settlement officer of Lucknow's remarks will be apparent.

4. Mr. Capper has launched out into an essay on imaginary rights of occupancy instead of confining himself to a concise reply to the questions submitted to him. His conclusions do not appear to me to be borne out by his premises. It is undoubtedly true that there is a class of "Chupperbund Assamees," that these Assamees are generally Aheers, Lodhs, Koormees or Moraes, that dispossessed zemindars chiefly directed their dacoities against these, and that it was when these were driven out that they were enabled to recover possession. But all this proves nothing more than that it was the interest of the landowner to retain these men as tenants, because they were the best cultivators, and he could not replace them if they left him, while it was equally the interest of the dispossessed zemindar to endeavour to drive these men from the village, because, if they went, the landowner in possession was obliged to go also. When the settlement officer comes to describe the rights of these Chupperbund Assamees, he is obliged to draw upon his imagination and refer to Aryan dynasties, Emperor Akbar's Domesday-book, Slave cultivators of Germany and serfs of Russia; the long and short of his story being, that as long as these cultivators could be induced to remain in a village their rent was liable to yearly adjustment according to the necessities of the landlord, and when it got too high to be endured, the cultivators, their rights of occupancy notwithstanding, bolted. The only right which I can discover from Mr. Capper's letter that these cultivators enjoyed was the right of being rack-rented, if that can be called a right; and I can hardly understand how the non-recognition of this right can be deemed "unjust in native ideas," or cause a "heart-breaking wrenching from the soil."

5. Messrs. Clifford and Carnegy allude to certain privileges granted to mokuddums, but these were evidently allowed in consideration of service rendered; they were frequently continued in one family from generation to generation, because that family had acquired a certain amount of influence in the village, and the landowner recognised his own interest in making use of such influence.

6. I feel convinced that, if officers would treat questions of this kind in a common-sense way, it would be found that the interest of both parties is the foundation of all arrangements between landlord and tenant, and that there is no necessity for complicating the discussion by reference to Russian serfdom or other European tenures.

From the Settlement Officer, Pertabghur, to the Settlement Commissioner, Oude; (No. 232), dated 28 July 1863.

IN reply to your letter, No. 1860, dated 21st July, asking four questions regarding "cultivators," I have the honour to reply:—

1st. I have never received application from cultivators to fix and record the amount of their rent.

2d. I know of no class of cultivators considered to have rights of occupancy as distinguished from mere tenants-at-will.

3d and 4th are consequently both answered in the negative.

2. The experience I have had in the settlement, and, I may say, in the province, has gone

gone to convince me that the only law known among the people was that of the strong arm, and taking this view as a basis for understanding past events, I can see no difficulty in accounting for every statement, however conflicting, which present inquiry may disclose; but when it is desired to assign a law to account for what took place before annexation, I always find the result is most perplexing.

3. As to rights of cultivators, I do not think the idea existed any further than you can easily understand that a landowner would be inclined to treat more liberally with an old tenant whom he knew and liked than a new one, but the present form of that idea is, I verily believe, totally new. In the "Newabee" the people describe the state of things as being this, that, at the opening of the year, the landowners went about soliciting, begging and praying cultivators to till the land, and making liberal promises of low rent, which were all more or less broken at harvest.

4. Nay, still further, where the talookdar was more completely master of the position, he would only take precautions to prevent the wretched peasant from running away, and then content himself with threatening him that, till or not till, he would have to pay his rent, and he might choose which he liked. These are no partial and exaggerated views, but the regular annual state of things in the "Newabee," as far as my experience goes, and under such a state of things it is hard to conceive how a cultivator could have a right if he tried.

5. One talookdar of this district was, and is, well known for his good and sound management, but this is not found to have consisted in his acknowledging any rights of occupancy, or fixed rent in his tenants, but by the significant phrase that "what he said in Asar he stuck to in Jeyt;" his Assamees had no rights, but they were best off because they got all they hoped for, viz., a security from wrongs.

From the Settlement Officer, Oonao, to the Settlement Commissioner, Oude; (No. 272), dated Lucknow, 27 July 1863.

IN reply to your letter, No. 1856, dated 21st instant, I have the honour to report:—

1st. That no cultivator has applied to have his rent fixed and recorded as a cultivator; there have been a few petitions presented to have rent fixed and recorded by mortgagees in possession of small holdings, but these claim by mortgage right and can hardly be considered cultivators.

2d. I believe myself that mokuddums might by reason of long possession be considered to have a right of occupancy. As people know that claims to rights of occupancy are not allowed in Oude, such claims are not advanced except under the head of proprietary under-right. Unless the mokuddum holds by virtues of a former proprietary right, the claim is of course rejected, but the mokuddum urges, and with, maybe, some truth, that his long possession of a right of occupancy to lands at easy rates should give him right to continue so to hold, and it often happens that his possession has been most regular. The zemindar often requires the assistance of a kind of head cultivator and appoints one, and we find the mokuddum holding land at easy rates for generations and his possession much more regular than that of the zemindar. If the latter lost possession, the village would either be held kham or farmed and in either case the Government or the farmer would willingly continue the mokuddum in possession of his rights, in order to gain his goodwill and the advantages arising from his authority over the other cultivators. In fact, though the rights of the mokuddum arose from the necessity of his services in looking after the village, and though he was but a servant, yet, when we find his rights recognised by others than his original master, it is not to be wondered at that he looks upon his possession as giving him a right, and would wish his right to hold the same lands at an easy rate to be continued and recognised at settlement. You will find a case in point in an appeal now before you in Oonao Khas.

3. The right of occupancy (if it is a right) exists in holding land at easy rates (generally at the seer rate) or in the deduction of a nankar from the rent; the lease often represents the nankar as mahutana nankar. I believe the possession of land at easy rates was more permanent than the enjoyment of nankar.

4. Claims of those mokuddums are, as I have mentioned, brought as claims to under-proprietary right, though the claimant will often allow that he never had any proprietary right. I think the zemindar, who frequently has no intention of dispossessing the mokuddum, would not oppose the claim of the latter to have his right of occupancy recorded, if the claim were not, as it now is, based on former proprietary right.

From the Settlement Commissioner, Oude, to the Settlement Officer, Oonao; (No. 1966), dated Lucknow, 30 July 1863.

WITH reference to your letter, No. 272, dated 27th instant, I have the honour to state, that you have not clearly answered my third query, viz., in what such right consists. You say that mokuddums possess from long possession a right to hold at easy rates, but omit to state whether the right is hereditary or transferable, and in any terminable.

2. An early reply will oblige.

From the Settlement Officer, Oonao, to the Settlement Commissioner, Oude; (No. 278), dated 1 August 1863.

IN reply to your letter, No. 1966, dated 30th ultimo, I have the honour to inform you that I believe the right of the mokuddum to which I refer to be hereditary, but it is certainly not transferable. I have been told by Dost Alee, of Oonao, that it was not always hereditary in the direct line, but that if the son of a deceased mokuddum did not give satisfaction, the talookdar would select another member of the family as the chief ryot. You will observe that the benefits enjoyed by the mokuddums which I refer to, are derived simply from service, and that such being the case, the latter would have an undoubted right to dispense with their services, or to select the fittest person he can find to fill the post. The only point which I think is open to question is this; if we find that a mokuddum has for generations enjoyed certain privileges which have been respected by different holders of the village, ought the settlement officer to take any notice of these privileges, and consider long possession of them as bestowing a right?

From the Settlement Officer, *Roy Bareilly*, to the Settlement Commissioner, Oude; (No. 1138), dated 31 July 1863.

WITH reference to your letter, No. 1858, of the 21st July 1863, I have the honour to reply to your four questions.

1. No applications have been received by the settlement officers in this district to fix and record the rent payable by cultivators. They know that no such right is to be created here, but if a hint of a contrary intention was given, there would be no lack of them.

2. There are not two classes of cultivators in this district, nor are the cultivators known by names indicating any such division. The majority, however, have cultivated the same fields from father to son. Brahmins and Rajpoots undoubtedly hold at lower rates, but, I think, quite as much because they cannot pay full rates as from any caste privileges; they live at greater expense than the regular cultivating classes, and they are far worse cultivators, a Bais Thakoor being the local type of a bad husbandman. In the old times they were the fighting men and a first necessity, and even when not actually in a zemindar's service they were rather cherished upon the estate. Since our rule, however, a strong disposition has been manifested by many landlords to raise their rent.

3. There was no right of occupancy; a landowner could always turn out a cultivator if he pleased; this he did not usually do, but he certainly determined the rent the other was to pay.

4. Except in the case of Brahmins and Rajpoots, as before mentioned, and people who held by virtue of old proprietary claims, all appear to have paid full rent rates; if they did not do so, it was a matter of personal favour. Service, whether civil or military, was usually compensated by land rent-free, or at low rates, but this was always terminable at the pleasure of the landowner.

5. In the above answers all the native superior officials of the district concur, both revenue and settlement, except one man, for whose instances I have written; but as I have reason to believe he has been misled by the directions to settlement officers, I do not consider it necessary to detain this longer for his answer.

From the Settlement Officer, Lucknow, to the Settlement Commissioner in Oude; (No. 195), dated 18 August 1863.

IN reply to your letter, No. 1855, of 21st July 1863, I have the honour to state that Captain Boulderson, assistant settlement officer, states that he has discouraged applications of the nature referred to, when brought before him when out in the field, on account of the fact that he was precluded from entertaining them by the local rules if regularly brought

brought forward, and that it would be refined cruelty, under these circumstances, to listen to them, and so encourage false hopes.

2. My experience is derived from having served in five districts of the province, since February 1856 A.D.

3. That there are and were a class of "Chupperbund Assamees," considered by all to have a cottier right of cultivation, I have never entertained a doubt. These are generally Aheers, Lodhs, Koormees or Moraes, who, I doubt not, were often descendants of the original settlers before the successive waves of Brahmin, Rajpoot, and Mussulman invasion had destroyed all trace of their proprietary tenure in the soil.

4. Anyhow, these men, cultivating with their own hands, and content with small profits, were the men on whom the conquering races chiefly relied for profits, and to this day villages are valued, not by area or soil, but by the number of cultivators of these classes who are permanent residents of the soil.

5. It was against them that the dacoities of dispossessed zemindars were chiefly directed, and it was when the dispossessed Brahmin or Rajpoot proprietor could induce or terrify these men into taking to the jungles, that he was enabled to recover possession, owing to the failure of the new occupant to supply their place by emigration from other villages.

6. As to their rights one cannot say: the different fields are generally still known by names given to them by their ancestors, which the Aryan and Mussulman proprietors cannot now interpret, and they almost invariably cultivate the best soils, and alone raise the best kinds of crops on those fields to which, by proximity to the village site, manure can be more easily conveyed.

7. The mode of fixing their rent for the year appears to have been that, taking as a basis some traditionary jumma of the village, probably that village tradition of what was recorded in the Emperor Akbar's Domsday Book, any increase was borne rateably, and in the latter days, when rent was by Government screwed up to the highest pitch, the only limit to the demand was the lowest amount that would leave bare subsistence to their families.

8. If this was exceeded they bolted, and the malgoozar was ruined, and the greater part of the jumma had to be reduced, the village being "becheragh and wairan," and then they gradually returned to their old homes, to be screwed up again till the pressure became again intolerable.

9. Had it not been for this common bond of union between them and the zemindars against the oppression of the sovereign and the Government servants, I have no doubt but that they would have occupied the precise position of the old Slave cultivators of Germany, the serfs of old Norman England, and of the Russia of the present day.

10. But except a talookdar's agent, I do not think that any one will in quiet conversation deny their existence, and they have an undefined right to cultivate certain fields, which they have cultivated for generations at rates proportionate to the Government demand on the village, although these rates will generally, owing to their cultivating the best lands, be higher than those "pykasht cultivators," who are tempted by lower rates to settle.

11. The tendency of their holding, however, being to serfdom, I do not advocate recognition of the right in the present settlement.

12. It will doubtless be unjust in native idea to ignore them, it will doubtless cause many a heart-breaking wrenching from the soil to which they have a more than catlike affection; but they are the chief body to whom we can look for the permanent formation, first, of a class of field labourers working for wages, and secondly, to a class of landholding yeomanry; and if individuals suffer now, their descendants will prosper, as once disconnected from the soil of their birth, they have all the qualities which must bring them to the top, and though screwed by the spendthrift will always be tempted by liberal terms to emigrate to the lands of more careful landowners.

From the Settlement Officer, Durriabad, to the Settlement Commissioner, Lucknow;
(No 274), dated 10 August 1863.

IN reply to your letter, No. 1857, of the 20th ult., I have the honour to state for your information that, in this district, no applications have been received from cultivators to fix and record the amount of rent payable by them, that there seems reason for believing that there is no class of mere cultivators considered to have rights of occupancy, and that the cultivator as such is in no way to be distinguished from a mere tenant-at-will.

2. Claims to hold at fixed rates seem in every instance to be based on former proprietary interest in the land or on special grounds, the mouroosee assamee seems neither to have been known nor contemplated under the native rule.

From the Settlement Officer, Fyzabad, to the Settlement Commissioner, Lucknow ;
(No. 90), dated 4 August 1863.

I HAVE the honour to acknowledge the receipt of your letter, No. 1861, of the 21st ult., and to reply as follows :

2. No applications have as yet been received from cultivators to fix and record the amount of rent payable by them.

3. I do not think that we have as yet come across any cultivators whose connection with the soil can be said to constitute a "right of occupancy," as distinguished from tenants-at-will, but there are undoubtedly persons who, under specific circumstances, exercise certain privileges beyond those exercised by the above latter class, but these privileges are not transferable.

4. The persons who have these privileges are of several kinds, and are called sometimes jeth ryots and mookyas, and in talookas or Mahomedan estates, mokuddums.

5. I.—They hold on favourable terms, and their tenure has been known, in some instances, to descend for one or two generations; but it is a mere service remission respected in proportion to the time it has existed, still it can at any time be resumed by the proprietor.

6. II.—Cultivators are to be found who have long held on favourable terms, and whose privilege to do so is respected because wells, tanks, bunds, and watercourses have been constructed by them, or it may be their ancestors. These favourable terms continue so long as the well or tank lasts; the privilege is not transferable but often hereditary. It is not usual to oust such persons, and they and the proprietor alone can repair the well or tank.

7. III.—Those who have reclaimed jungle or deserted lands are generally respected, and hold on favourable terms.

8. All the above classes pay less than mere tenants-at-will.

9. There is a local tenant custom here which I may take this opportunity of mentioning: when a cultivator grows sugar-cane, it is usual to let him have the field in the following season, so as to give him the full benefit of having manured and highly cultivated the field for the cane crop.

From *Charles Currie*, Esq., Settlement Commissioner, Oude, to Major *J. Reed*, Secretary to Chief Commissioner, Oude; (No. 2388), dated Lucknow, 3 September 1863.

Cultivating Rights, Record of.

IN continuation of No. 2266, dated 22d ultimo, forwards copy of letter, No. 50, dated 24th August, reporting on the nature of claims possessed by the cultivating community, and stating that no cultivator has as yet claimed to have his rents fixed and recorded.

From the Settlement Officer of Sultanpore to the Settlement Commissioner of Oude ;
(No. 50), dated 24 August 1863.

I HAVE the honour to reply to your letter, No. 1859, dated 21st ultimo. Before replying to it I wished to refer the question raised therein to persons likely to possess information on the subject; this reference has caused delay, but has not, I regret to say, added to my information.

2. In order to dispose thoroughly of the question whether there is a class of cultivators considered to have rights of occupancy, it would be necessary to settle first what constitutes a right, and this question can only be answered by going back to first principles, a task which I shall not attempt.

3. In a country where fixed laws and equitable courts have been unknown, it is hopeless to look for any undoubted principle of common law. Where not even the law of *meum et tuum* has been understood as regards the superior proprietary right in land, it would seem absurd to suppose that a mere tenant right could have been defined accordingly; so far as my experience goes, land has been held in tenant right, perhaps for several generations, in one family, but it has never occurred either to the proprietor or to the tenant to speculate on the exact nature of the right enjoyed by the latter. In times gone by the proprietor was more dependent on a good cultivator than he is at present, or is likely to be in the future; he was less certain than now of regular payment of rent, the
tenant

tenant became attached to the soil, and thus, as a matter of mutual convenience, land was transmitted from father to son.

4. It cannot be denied, however, that, although no positive right is considered to rest in the tenant, yet public opinion among all classes of the community is opposed to ejectment of hereditary cultivators; this seems to imply that a *quasi* right of occupancy is admitted. In fact a proprietor never ousts an ancient tenant except in a question of rent or other dispute arising. It seems to me also that the fact that a non-resident or paikasht cultivator is held not to have a lasting right to the lands he has cultivated, implies tacit assent on the part of proprietors generally to the *quasi* right of the ancient tiller of the soil; but if an answer must be given on the broad question, I would say that there is no class of cultivators possessed of permanent rights of occupancy.

5. No applications from cultivators to fix and record the amount of rent payable by them have been presented to me hitherto.

6. Having said that cultivators possessed of permanent rights of occupancy do not exist as a class, it is needless for me to say that there are no special names attaching to ancient cultivators.

From the Secretary to Chief Commissioner, Oude, to the Commissioner of Settlement
(No. 2,623); dated Lucknow, 8 September 1863.

I AM directed to acknowledge the receipt of your letter, No. 2,266, dated 22d ultimo, forwarding the replies of settlement officers relative to cultivating right of occupancy, and with reference to paragraph 1 of Mr. Capper's letter, to request that you will call on Captain Boulderson to state what was the nature of the applications made to him when out on settlement duty, and whether, and on what grounds, he forms the conclusion that they were really claims to rights of occupancy by mere cultivators, and not claims to underproprietary right.

2. You will also be so good as to request him to reply to the categorical questions in my letter, No. 2,011, dated 11th July last.

From the Settlement Commissioners, Oude, to the Secretary to Chief Commissioner,
Oude (No. 2,913); dated Lucknow, 13 October 1863.

CULTIVATING RIGHTS.

FORWARDS copy of letter, No. 277, dated 9th instant, from the Assistant Settlement Officer of Lucknow, giving the information called for in his letter, No. 2,623, dated 8th ultimo.

From the Assistant Settlement Officer, Lucknow, to the Settlement Officer, Lucknow;
(No. 277), dated 9 October 1863.

IN reply to the Settlement Commissioner's letter, No. 2,528, dated 15th ultimo, and letter, No. 2,623, dated 8th ultimo, from the Secretary to the Chief Commissioner, I have the honour to explain that what I alluded to in my demi-official letter to you on 27th July last was, that I had met with cultivators in some villages when examining the work of the Ameens in the field, who seemed to prefer (verbally always) complaints for having been ejected from fields which had been in their cultivating occupancy for generations; they would point out this and that field, and complain of the hardship of having been turned out. But my object was not to listen to such claims, but to test the entries made in the khusrah of the proper names of the assamees and their cultivation. No claims of this nature were filed, or any inquiry made to enable me to give the ground or the actual circumstances of occupancy on which such complaints were based, but it seemed to me at the time that the complainants considered that they had from long occupancy acquired a claim to cultivate such fields of which they had been deprived in preference to other assamees.

2. In replying categorically to the questions in the Settlement Commissioner's letter, No. 1,855, dated 21st July last, I beg to state—

1st. That at the present stage of the settlement no questions of rent have as yet been entertained.

2d. That there are no class of cultivators with admitted rights of occupancy, nor has any inquiry been made into such as have preferred claims of this nature, to enable me to define their designation and position in the village, but they will, perhaps, oftenest be found in the Chupperbund class of cultivators in the lower caste.

3d. There has been no inquiry made to enable me to reply to this question.

4th. This is answered by the reply to first question.

From *D. Simson*, Esq., Commissioner, Fyzabad, to the Secretary to Chief Commissioner, Oude (No. 1,265); dated 1 October 1863.

I HAVE now the honour to reply to your circular, No. 3-2624, of the 8th ultimo, requesting my opinion on certain points connected with the question of the existence of a right of occupancy in any class of cultivators in this province.

2. That many cultivators are to be found all over the province who have cultivated the same fields for years, and even for generations, is a well-known and undoubted fact, but in a country under a Government such as that of Oude was for many years previous to annexation, it were vain to expect to find any law, or usage having the force of law, sanctioning this custom, and its growth and prevalence are due, in my opinion, to the character of the times in which it obtained.

3. It would not, I think, be difficult to show this to be the case by analysing in detail the position of the landlords with respect to their neighbours, the Government and their tenantry in those days; but their history has already been so fully given in "*Sleeman's Diary*" and other works, that I content myself with quoting here an extract from a late article in the "*Friend of India*," which, though written without special reference to Oude, appears to me to describe exactly, though in general terms, the state of society which prevailed there, and shows that it was calculated to produce the very result for which I wish to account. "The second stage is to divide the property in land between the cultivating rent-payer and the protecting rent-receiver. As long as society remains in a lawless and insecure state, this divided property in the land works well, because it is the natural expression of the best understood interests of both. This is the feudal state of landed tenures. The lord affords protection to his vassals, who, in return, pay him suit and service as well as rent, and form his only defence against his enemies. The vassals pay such surplus of their produce as is necessary for the maintenance of the lord and his more immediate retainers, because such payment is the very condition of the lord's continued power to protect them; and the lord grants his vassals *permanent rights in their holdings, and does not stretch his demand to their utmost ability to pay, because the attachment and willing support of his vassals against his enemies is more important to him than a mere increased receipt of produce in kind.*"

Note.—The italics
are mine.
(sd.) *D. S.*,
Commr.

4. I am of opinion, therefore, that, at annexation, we did find rights of occupancy existing in a certain class of cultivators, but that these rights were fostered by the landlords from motives of self-interest, and did not derive their sanction from any law, or usage having the force of law.

5. The next question put is, in what did these rights consist? I think they merely conferred a right to occupy the land in preference to any other tenant, without necessarily involving more favourable terms as regards rent. Although it was very unusual to oust such cultivators, it was by no means unusual for the landlord to raise their rents, and the criterion by which he did so was not so much the amount which the land could pay, as the quota of this amount which his power and influence at the time enabled him safely to exact.

6. I am unable to reply to a third question, as to whether hereditary cultivators paid less than tenants at will, with any certainty, I am inclined to think not; but the question is so complicated with considerations as to differences of soil, the time for which different fields had been under cultivation by service tenures and the like, that it would require an experience of a variety of cases, which I do not possess, to enable me to reply to it.

7. Cultivators have frequently pleaded in appeal cases in the Commissioner's Court their ancient possession of the land in dispute; but they have done so, not only in ouster cases in support of a claim to right of occupancy, but also in suits for enhancement of rent, in support of an objection to pay more than they had hitherto done.

8. In conclusion, I request the Chief Commissioner to observe that, in the above remarks, I have confined myself to stating what I believe to be the relations between landlord and tenant which we found in existence at annexation, and the motives out of which they originated; and I have entirely abstained from discussing what our duty to either party would appear to be in view of these circumstances now. I have adopted this course for two reasons:—

1st. Because opinions have not been called for on this part of the subject, and

2d. Because I can hardly hope to be able to throw additional light on a question which has been so much discussed, and yet on which there is still so great a difference of opinion.

9. About this much, however, there can, I think, be no doubt that a sense of peace and security for property has entirely displaced the feeling of mutual dependence between himself and his tenants, the influence of which was supreme in the mind of the landlord in former days; and, consequently, that a landlord's self-interest now, if he is left to himself, instead of being principally directed to the conciliation of his tenants, as it was then, will be in the increase of his rental to as much as he finds the land can bear, an object with which the existence of rights of occupancy, even at fair rents, involving as they necessarily do frequent recourse to the courts, must always to some extent interfere.

10. It

10. It is true that public opinion in the province, such as it is, is against the ejectment of old cultivators resident in the village; but it has not sufficient weight with the larger landed proprietors, many of whom are deeply in debt, to counteract the desire to increase their income which is the all-powerful motive now-a-days.

11. I annex copies of Messrs. Oldham's, Young's, and Glynn's replies, and I have seen the letters of Messrs. Perkins and Carnegie to the Settlement Commissioner, with the views expressed by the former of whom I agree very much. Mr. Wood's reply is still wanting, but I think it unnecessary to wait for it.

From *A. Young*, Esq., Assistant Commissioner in charge, to the Commissioner of Fyzabad Division (No. 100); dated Fyzabad, 29 September 1863.

IN reply to the question forwarded with your letter, No. 164, of 14th instant, I have the honour to reply that, not having been employed on any settlement duties in Oude, I have never received applications to record rights of any kind regarding land or rent.

In summary suits it is not unusual for cultivators to advance a reason against ejectment or enhancement of rent that they and their ancestors have cultivated the land for many generations, and it often happens that land has been so cultivated in the village by the same family; but in varying quantities, and at a variable rent. I have never seen the claim take any more definite shapes than this, nor anything to show that such a right was ever respected by the zemindars, or even temporary thekadars, under the former Government when it suited their convenience to eject a cultivator or take his best land for their own Seer; neither have I ever seen right of occupancy, apart for proprietary claims of some kind or other, the subject of dispute between heirs of deceased cultivators or any other kind of equal claimant.

COPY of Mr. Carnegie's Report to the Settlement Commissioner is herewith enclosed.

From *W. Oldham*, Esq., Officiating Deputy Commissioner, Sultanpore, to the Commissioner of Fyzabad Division (No. 449); dated 18 September 1863.

WITH reference to circular of Secretary, Chief Commissioner, No. 3-2629, dated 8th current, I have the honour to state that, as I have only recently arrived in the province, I am unable to give detailed answers to the questions.

2. It appears to me that a right of occupancy where it exists is a lower kind of property, and that the dictum of Savigny that all proprietary right is based on "adverse possession, ripened by prescription," applies most completely to this lower form of property.

3. When, therefore, a cultivator has cultivated fields at rents lower than was usual in the neighbourhood for land of the same kind, as it was obviously the interest of the zemindar to oust him, unless the contrary be proved, his possession may be presumed to have been "adverse possession," that is, possession not merely on sufferance, but in spite of the attempts or wishes of the zemindar to get possession of his fields.

4. When this possession has continued for a long time, it may justly be considered to have become ripened by prescription, and a right of occupancy has arisen.

5. When a cultivator has for a short time only held land on favourable rates, there is only a moderately strong presumption that it was in spite of the wishes of the zemindar, but when this possession has continued through more than one generation, the presumption becomes very strong that it was not on mere sufferance; as it is highly improbable that more than one generation of zemindars would wish to deprive themselves of the full income derivable from their land.

6. If it be said that custom and respect for public opinion deterred zemindars from raising the rents of certain cultivators to a rack-rent, or ejecting them, then this is a proof that the right had not merely begun to form, but was actually in existence and recognised.

7. I cannot say whether cases are numerous of long-continued possession at favourable rates, but I believe that some such are to be met with. A right of occupancy has developed itself and should be recognised and recorded.

8. It is not improbable that the descendants of the persons who first reclaimed the soil, or of those who, at some remote period, were proprietors in full and were supplanted by others, who have in their turn yielded to a still more powerful person or brotherhood, may, in some instances, have retained up to the present time some portions of their rights, and may be found amongst those who have long been in possession on favourable terms.

9. You will observe that, in the determination of the class of persons who have rights of occupancy, I lay stress on their having held their fields on favourable terms. I do so, because if they paid the full rack-rent of their lands, there is no reason to suppose that their possession was "adverse possession," or other than possession merely on sufferance.

From *W. Glynn*, Esq., Officiating Deputy Commissioner, Gondah, to the Commissioner of Fyzabad Division (No. 323); dated 21 September 1863.

I HAVE the honour to acknowledge the receipt of your No. 130, dated 14th instant, giving cover to Secretary, Chief Commissioner's No. 3-2624, dated 8th idem, and annexure, on the subject of right of occupancy by cultivators, and to state that this right of occupancy is entirely a creation of our own; until generated by ourselves it was unknown, and it mattered not whether a cultivator had one year or 50 on his side, the landholder remained influenced by it, the one year tenant and the 50 years' tenant paid alike.

2. As respects considerations on the score of caste such a thing was unknown in this district: Brahmin or Koree, Thakoor or Koormee, the rent for each was alike, provided, of course, there were no subordinate rights in question of claims to the consideration of the landholder on the score of good service, when "*enayut*" was made at the will of the malgozar.

3. I was employed on settlement work in the Roy Bareilly and Durriabad districts, and in neither of these did ever cultivators come forward and ask for a record of a fix rent: how could they have done so when the thing was new to them, foreign to the system they and their ancestors had lived under for generations past?

From the Commissioner, Khyrabad Division, to the Secretary to Chief Commissioner, Oude (No. 370); dated Seetapore, 28 October 1863.

In reply to your circular, No. 3 of 8th September, I have the honour of forwarding herewith, in original, the replies of the district officers.

No. 303, of 31 October 1862.

„ 400, of 21 November 1861.

„ 79, of 19 March 1862.

2. In my letters noted in the margin, I solicited the attention of Government to the question of tenant right in Oude.

3. The condition of Oude previous to annexation renders it difficult to state what rights were in existence. Self-interest alone limited the demands of the native Government on the talookdars, and of the talookdars on the peasantry; of law there was little or none. The necessity of preserving their credit caused talookdars to respect birt and shunkullup tenures; superstition induced them to continue privileges to Brahmins; the necessity of defending themselves against the extortions of nazims and chuckladars induced them to continue privileges to their clansmen; the difficulty of obtaining good tenants induced them to treat such with favour. Captain Thompson remarks:—"The tenant was not merely a rent-paying machine; he had other and very important functions, and Brahmins and Rajpoots were just as valuable tenants as the poorer Koormees, though they paid less rent." And, again, "cultivators were never very plentiful, and there was always land enough and to spare, so that the landlord always had a clear interest in retaining men at, or even below the average." And Mr. Anderson states:—"Brahmins and Rajpoots were seldom disturbed so long as they did not quarrel with landlord, and they always paid a lower rate than other cultivators." And again, "landlords also treated with consideration cultivators of all castes who had been long on the land."

4. Under the British rule, the relations between chieftains and their clansmen have been entirely changed. The talookdar, instead of looking upon his clansmen as the source of his dignity and power, and as the preservers of his honour, considers them unthrifty, lazy tenants, insubordinate in their appeals to the courts, exacting in their demands on his hospitality: they object, like many of the Irish peasantry, to pay rent, and consider, like the highland clansmen in former days, that their chieftain is bound to feed them whenever they visit him. One of the best talookdars in Oude assured me that absence from home was a means of saving and not a source of expense, for the entertainment of his numerous clansmen (according to custom) was a very heavy charge on his income.

5. The clansmen on their part already see a great change in their chieftains; they formerly saw in them patriarchal warriors, liberal to excess, economical in their personal expenditure, easy of access, and just in their decisions. This vision is, however, gradually dissolving, and many talookdars are already looked upon as hard and unjust landlords, who are careless of the sufferings and poverty of their kinsfolk and clansmen, and anxious to rack-rent for the purpose of satisfying their vanity by extravagant personal expenditure. Captain Thompson remarks:—"But if they are compelled to pay the same rents or are ejected because they cannot, or will not, pay them, they may be fit objects for pity, but not for special legislation." And, again, "they may grumble and perhaps riot at first, but in the end they will either work like their neighbours, but under altered circumstances, or make way for others."

6. The wise among the talookdars still retain the affection of their clansmen, but the native gentlemen of this country have not yet attained the mature judgment of the English and Scotch nobility, and, therefore, require checks on their power as landlords, which are not required in our own country.

7. I have,

7. I have, therefore, frequently ventured to point out to Government that serious evils may ensue, unless privileges which have been uninterruptedly enjoyed by Rajpoot clansmen and others for generations past, be for a time at least secured to them. Captain Thompson states:—"It is certain, however, that large numbers of cultivators have remained in possession for long periods; and as far as time is concerned, these are 'ancient' cultivators; but the right of the talookdars to eject them has never been disputed, although it has for the most part lain dormant."

8. These privileges consist chiefly in exemption from rack-renting. Few of the clansmen or their ancestors have ever paid on the lands held by them the full rent which an ordinary cultivator would be willing to give.

9. Long and uninterrupted possession has been deemed to convey a right in the most civilised, as well as in the most barbarous countries.

10. These clansmen seldom required written documents from their chieftains; they trusted to their honour; their only proof, therefore, of right consists in their long and uninterrupted possession.

11. I have ventured to suggest that, where such possession has lasted for 60 years and upwards, they should continue to retain the share in the profits of cultivation which they have hitherto enjoyed.

12. Those who have held uninterruptedly for less than 60, but for more than 20 years at low rates, might be permitted to retain their privileges during their lives. A precedent for this is to be found in the maafee rules.

13. The talookdars will not generally object to such a solution of the difficulty, if Government will consent to assess lightly the lands held by privileged clansmen.

14. The question then resolves itself into this: should Government insist on receiving the full amount of revenue to which it is entitled with the probability of disaffection and affrays, and other signs of internal disturbances, or should it relinquish part of its demand for the purpose of preserving peace and good will among its subjects?

15. It may be argued that it is unfair to tax industrious Koormees, &c., more than idle Rajpoots. I am not an advocate for granting privileges to the idle, but a paternal Government must treat with tenderness the shortcomings of its subjects; it cannot at once expect those who have never learnt to labour to perform as much work as those who have been accustomed from childhood to constant drudgery. If necessary, the retention of their ancient privileges might be accompanied by liability to serve as militia when called upon to do so.

16. The following quotation expresses better than I can the necessity of adopting the measures of Government to the change in social relations among the clans which is now going on:

"There is a change in progress similar to that which transformed the old chieftains of the Highlands into landowners with complete rights of property; duties are soon forgotten when public opinion does not demand their exercise. Rights precise or indeterminate, which were adapted well enough to a state of things which has passed away, become mere instruments of organised oppression when, under new social relations, the former are strictly insisted on, or the latter worked rigidly out to their strict logical results."

From *E. Thompson, Esq.*, Deputy Commissioner, to the Commissioner of Khyrabad Division (No. 369); dated Seetapore Camp, 25 October 1863.

In reply to your circular, No. 126, dated 14th ultimo, I have the honour to report that, in this district, there is no such class of cultivators as is described in the second paragraph of Captain Reid's letter.

2. It is certain, however, that large number of cultivators have remained in possession for long periods, and as far as time is concerned, these are "ancient" cultivators; but the right of the talookdars to eject them has never been disputed, although it has for the most part lain dormant.

3. Dividing cultivators into three classes, the good, the middle, and the bad, the first it was always the interest of the talookdar to keep, and the last never were allowed to grow into "ancient" cultivators; for the middle class it may be said that cultivators were never very plentiful, and there was always land enough and to spare, so that the landlord always had a clear interest in retaining men at, or even below the average. Besides this, a man who has been a decent tenant for one year is *prima facie* more likely to be a good tenant for the next year, than a new man, and every additional year's tenure adds force to his claims, and the same tie binds landlord and tenant in India, which holds together buyer and seller, employer and employed, of every creed and in every country. Previous fair dealing is a guarantee of prospective good faith, and men do not change their tenants

their tradesmen, their servants, or anything about them, unless there is something to impel them to the change,

4. But it has been asked why, if the talookdar has full power to eject unthrifty and unprofitable tenants, did he allow Brahmins and Rajpoots to continue to hold at lower rates than other and more humble tenants? But this difficulty disappears when the condition of the country is remembered. The tenant was not merely a rent-paying machine; he had other and very important functions, and Brahmins and Rajpoots were just as valuable tenants as the poorer Koormees, though they paid less rent.

5. In the first place they were thought to be (rightly or wrongly I do not pretend to say) much more trustworthy in every relation of life than lower caste men, and it is, I suppose, certain that they looked better as soldiers, and fought better when fighting was wanted; again, the status of every landlord was measured by the number of good men and true (bhala manoos) whom he could count among his followers: good fighting men and retainers of superior stamp were, therefore, just as necessary to a talookdar's existence as rent, and he usually purchased the former by a slight sacrifice of the latter.

6. It is very probable that under a different rule, under which fighting men are not wanted at all, and a man's value is estimated by his acts, and not altogether by the number or caste of his retainers, the occupation of many of these Brahmins and Rajpoots will be gone, and they will have to pay the same rents as their poorer brethren, since they can pay in no other way. It is probable, however, that there will be no sudden changes, and that the Brahmins will continue to make somewhat better terms than the Koormees; but if they are compelled to pay the same rents or are ejected, because they cannot or will not pay them, they may be fit objects for pity, but not for special legislation.

7. Their case is somewhat analogous to that of the hand-loom weavers on the introduction of the power-loom; they may grumble and, perhaps, riot at first, but in the end they will either work like their neighbours, but under altered circumstances, or make way for others; and however much some may pity the case of these Brahmins, it is to my mind a great set-off against their suffering, that their compulsory retirement from the field will make way for the ploughmen who did their work, than whom I do not know a more wretchedly poor class of men in the world.

From the Officiating Deputy Commissioner, Mahomdee, to the Commissioner, Khyrabad Division, Seetapore (No. 486); dated Lukeempore, 17 September 1863.

I HAVE the honour to state, in reply to your circular docket, No. 126, of the 14th instant, that there is no class of cultivators in this district considered to have rights of occupancy, as distinguished from mere tenants at will beyond the terms of their engagement. Some cultivators as a matter of favour, or for the performance of special service (such as bringing new land under cultivation), hold land at reduced rates; but only as long as the proprietor likes, where no agreement has been made. Sunkullups conferring a title to low rents are common enough, but these are generally held by Brahmins and Rajpoots; they are mischievous indulgences, and will disappear, I hope, at the regular settlement. The right of occupancy by *bonâ fide* cultivators was unknown here at any time before annexation, and their stay depended wholly on the goodwill of the landholder or his agent.

From the Officiating Deputy Commissioner, Baraitch, to the Commissioner, Khyrabad Division (No. 343); dated 24 September 1863.

I HAVE the honour to acknowledge receipt of your No. 126, dated the 14th instant, forwarding Secretary, Chief Commissioner's printed circular, No. 3-2624, dated the 8th September 1863.

2. I have the honour to reply to the Secretary, Chief Commissioner's questions as follows:—

1st.—No cultivators have applied to have the amount of their rent fixed and recorded, but settlement operations have not yet commenced here.

2nd.—In this district no class of non-proprietary cultivators have ever been considered to have any right of occupancy whatever. Brahmins and Rajpoots were seldom disturbed so long as they did not quarrel with landlord and they always paid a lower rate than other cultivators; this distinction, however, was purely a privilege of caste; the landlords never abandoned his right over the land, and during the native rule the Brahmins never claimed the right of occupancy; landlord also treated with consideration cultivators of all castes who had been long on the land, but no cultivators ever acquired a right of occupancy.

3rd and 4th.—There are no rights of occupancy whatever except what the British Government has made.

From Colonel *H. M. Durand*, C.B., Secretary to Government of India, Foreign Department, with the Governor General, to the Advocate General (No. 48); dated Simla, 21 May 1864.

I AM desired to request your opinion on the case contained in the following papers. The points involved are of great importance, but I am to ask you to dispose of them with as much dispatch as is consistent with giving them due consideration:—

The more general question is as to the effect of Section 25 of the Indian Council's Act, 1861, on the statements, orders, and directions contained in the documents presently cited. The more specific question is, whether persons claiming to be under-proprietors in Oude, that is, claiming an interest in the soil intermediate between the talookdar and the ryot, are restricted to establishing such rights as were actually enjoyed in possession at the moment of annexation, or, what is the same thing, whether all rights existing previous to annexation, but not actually enjoyed when Oude was annexed, are destroyed unless revived by legislation?

On the re-occupation of Oude after the mutinies, the Chief Commissioner commenced a summary settlement with the talookdars, which was fixed for three years certain from 1st May 1858, or until a detailed settlement could be carried out; but in the Gonda and Baraitch districts, in which cultivation was very backward, it was extended to 1st May 1867.

The earliest instructions given regarding this settlement were the following:—

Extract from letter to Oude, No. 3502, dated 6th October 1858, paragraph 35.

"On these grounds, as well as because the talookdars, if they will, can materially assist in the re-establishment of our authority and the restoration of tranquillity, the Governor General has determined that a talookdaree settlement shall be made. His Lordship desires that it may be so framed as to secure the village occupants from extortion; that the talookdars should on no account be invested with any police authority; that the tenures should be declared to be contingent on a certain specified service to be rendered; and that the assessment should be so moderate as to leave an ample margin for all expenses incidental to the performance of such service. The talookdars may then be legitimately expected to aid the authorities of the Government by their personal influence and their own active co-operation, and they may be required, under penalties, to undertake all the duties and responsibilities which, by the regulations of the Government, properly appertain to landholders: these duties and responsibilities should be rigidly exacted and enforced. With the declaration of these general principles the Governor General leaves the elaboration of the details to your judgment."

On 4th June 1859 the Chief Commissioner (Mr. Wingfield) reported to Government as follows:—

Extract, paragraphs 2, 3, and 5 of letter, No. 1091, dated 4th June, 1859.

"2. The talookdars, unable to realise such a departure from our former system, think we have restored their estates merely to purchase their submission and the speedy restoration of order, and they fear we shall throw them over at the next settlement, as we did at annexation, when they were admitted to engage for the revenue of a single harvest only. The village proprietors, on the other hand, with whom the summary settlement was made, persuade themselves that we are only temporising with the talookdars, and that when we shall have rendered these powerless by the destruction of their forts and surrender of their last gun, we shall eject the talookdars in their favour, certainly at next settlement, if not sooner. A spirit of antagonism is therefore kept alive. The talookdars dread making any concession that may be construed hereafter into a recognition of this independent right of the village proprietors, and they will accept no benefit that may look like a renunciation of it.

"3. The remedy for this unsettled state of public feeling is easy. It consists in the formal sanction of the Governor General being given to the principle of the finality and perpetuity of this settlement, in respect to the proprietary right in the soil, as declared by the late Chief Commissioner in Special Commissioner's circular,* No. 31, dated the 29th January 1859. The Chief Commissioner feels confident that if he could convey in every sunnud given to a talookdar an explicit assurance from the Governor General to the above effect, conviction would force itself on all minds, and apprehensions and illusions would vanish.

* This circular is marked A. See page 35.

"5. * * * * He has adopted measures to secure the village occupants from extortion, as directed in the Government letter of October 1858; but to establish the foundation of lasting contentment and prosperity, there must not be afforded the least ground for any expectation of change."

In a later letter, No. 1377, dated 15th July 1859, the Chief Commissioner explained his meaning as it affected talookdars and village proprietors respectively in the following words :—

Extract, paragraphs 2--6 and 8 and 9.

"2. The late Chief Commissioner in his circular, No. 31, dated 21st January, declared the finality of all settlements, and though the present Chief Commissioner might prefer to see that order carried out in its integrity, he must yet admit there are two very different classes of cases affected by it, and that while he considers it indispensable for the one, the other may, in his judgment, be without any inconvenience excluded from its operation.

"3. The first class consists of parties claiming separate interests in land, viz., talookdars and village proprietors, the superior and inferior parties. The Chief Commissioner can add nothing to the reasons urged by him in his letter above alluded to for declaring final the settlement now made with the superior parties in pursuance of the policy advisedly adopted by Government in consequence of the egregious failure of the opposite policy in 1856. But he may observe, that unless it is intended to depart from the present policy, and to do the very thing that the talookdars dread, namely, to exclude them at next settlement and engage with the village proprietors, he cannot perceive what objection there can be to giving such an assurance as he proposes; and this is the view the talookdars take of the matter.

"4. But if, as he firmly believes, no such departure is intended, the Chief Commissioner cannot see the use of giving the village proprietors hopes of a rehearing at next settlement, if after having then ascertained what every one knows already, that they are the rightful proprietors of the soil, we are to tell them our policy will not permit us to recognise their claims.

"5. It must not be imagined that in talookas there have been conflicting claims of equal interests. Rarely has a talookdar contended with another talookdar for the title to land, and if ever such a dispute has arisen it has been immediately disposed of by maintaining the status at annexation. The law of primogeniture too prevails in the chief Hindoo families, so there could be no disputes among the members.

"6. It should also be well understood that no acquisitions made by talookdars during the period of insurrection have been confirmed at this settlement. We have never given a talookdar (except in reward) a village that was not in his talooka at annexation; therefore, any change that may be made at next settlement can only be in favour of the village proprietors. The Chief Commissioner feels convinced it is not intended to make any such change, but the talookdars are not, and he wants to assure them."

"8. The second class of cases is composed of parties claiming equal interests in the land, viz., zemindar against zemindar. The estates that form the subject of these disputes are generally small, and of zemindaree, not of talookdaree, tenure; the claims generally turn on a question of inheritance from the last undoubted proprietor, and possession by either party is most difficult to prove, for the property has often changed hands 20 times in as many years: the native Government having dealt sometimes with one and sometimes with the other, and at intervals kept it under its own management, or leased it to a stranger.

"9. There must be a limitation to the hearing of such claims, and that laid down by the new code of procedure would be followed by the revenue courts. The Chief Commissioner, therefore, much doubts whether, by opening out such cases to renewed litigation, much substantial injustice will be remedied; still the measure involves no great principle. It will not shake the security of the settlement made with the talookdar as against the village proprietors, therefore the Chief Commissioner will not oppose it; he will confine his efforts to obtaining a guarantee against change at any time in the first class of cases, a point on which he thinks the future of this province hinges."

On 6th October the Chief Commissioner was informed by telegram that "the Governor General agrees generally with you in regard to the absolute title conferred on the talookdars by the summary settlement," and in letter, No. 6268, dated 10th October 1859, Mr. Wingfield's two letters above quoted were answered in the following words :—

Extract, paragraphs 2, 3, and 5.

"2. His Excellency in Council, agreeing with you as to the expediency of removing all doubts as to the intention of the Government to maintain the talookdars in possession of the talookas, for which they have been permitted to engage, is pleased to declare that every talookdar with whom a summary settlement has been made since the re-occupation of the Province has thereby acquired a permanent hereditary and transferable proprietary right in the talooka for which he has engaged, including the perpetual privilege of engaging with the Government for the revenue of the talooka.

"3. This right, however, is conceded subject to any measures which the Government may think proper to take for the purpose of protecting the inferior zemindars and village occupants from extortion, and of upholding their rights in the soil in subordination to the talookdar.

"5. I am

"5. I am directed to add that, as regards zemindars and others not being talookdars with whom a summary settlement has been made, the orders conveyed in the Circular, No. 31, of the 28th January 1859, must not be strictly observed. Opportunity must be allowed at the next settlement to all disappointed claimants to bring forward their claims, and all such claims must be heard and disposed of in the usual manner."

On 15th October 1859 the Chief Commissioner sent a reply, from which the following is an extract:—

"I enclose herewith a form of sunnud which I drew up on receiving your telegraphic message announcing that his Excellency had confirmed the perpetual settlement with the talookdars; but I submit it for approval, because the strong qualification conveyed in the 3d paragraph of your official letter, received this morning, makes me doubt whether I may not have gone farther in this sunnud than the Government intends. At the same time I must express my strong conviction that a less unqualified bestowal of the proprietary right on the talookdars, will not satisfy expectations or remove doubts. I have made it a condition that the talookdars are to maintain all holding under them in all the rights they have heretofore enjoyed, and those rights have been or are being recorded. The inferior zemindars will thus be effectually protected from wrong, and that is all that is wanted.

"To embody the substance of your 3d paragraph in more definite terms in the sunnud would, I am firmly persuaded, make matters worse than before. It would unsettle the minds of the inferior proprietors, and encourage extravagant hopes of independence; it would alarm the talookdars and make them regard the gift of the proprietary right as a mockery and a delusion; moreover, it will place an engine in the hands of any future Chief Commissioner and Governor General adverse in principle to talookdars, which would enable them virtually to annul this settlement, and oust the talookdars nearly as effectually as was done in 1856.

"The only use of that paragraph, as it stands, can be to enable the Government to make a sub-settlement between the talookdars and the inferior proprietors. I have always maintained that such a sub-settlement (and reference to paragraphs 111 and 112 of Mr. Thomason's directions to settlement officers, will prove what I say) practically differs nothing from excluding the talookdar altogether, and engaging with the village proprietors as was done in 1856. A sub-settlement on Mr. Thomason's principles is fixed at 15 per cent. on the demand from the village proprietors, and the talookdar, if excluded altogether, gets a 10 per cent. malikana allowance. I maintain that he is far better off with the latter than with the five per cent. additional, with the risk and labour of collecting the revenue. In either case he has but a rent-charge on the land, for under a sub-settlement the control of the village lands is left to the under proprietors.

"It is a bad principle to create two classes of recognised proprietors in one estate. The margin of profit left by the Government, after deducting the cesses, 15 per cent., is not enough for the purpose. Better do away with talookdars than confine them to a profit of 8 or 10 per cent., which is all it would amount to after deducting cost and risk of collection on the Government revenue for their incomes.

I do not say this state of things would ever come to pass while his Lordship is at the head of the Government, but with a change in the Vice-royalty and in this administration it may be brought about any day on the warrant of this paragraph.

"I am in this dilemma, that if I insert the substance of this paragraph I disgust the talookdars, and frustrate the object I have laboured for; and if I suppress it, and hereafter a sub-settlement is resolved on, I afford them good ground for charging the Government with breach of faith.

"If the object of Government is not to make a sub-settlement at some future time, but merely to protect the village proprietors and uphold their rights, I argue that it is adequately attained by the obligation my sunnud imposes on the talookdars to maintain the inferior holders in all the rights they enjoyed up to annexation."

This letter was answered in Government letter, No. 23, dated 19th October.

Extract, paragraphs 2 to 5 and part of paragraph 6.

"2. This form of sunnud is generally approved, and a revised copy* with some few alterations,

* "Know all men, that whereas by the proclamation of March 1858, by his Excellency the Right Hon. the Governor General and Viceroy of India, all proprietary rights in the soil of Oude, with a few special exceptions, were confiscated and passed to the British Government, which became free to dispose of them as it pleased,—I, Charles John Wingfield, Chief Commissioner of Oude, under the authority of his Excellency the Governor General of India in Council, do hereby confer on you the full proprietary right, title, and possession of the estate of ———, consisting of the villages as per list attached to the kuboolyut you have executed, of which the present government rent is ———. Therefore this sunnud is given you in order that it may be known to all whom it may concern, that the above estate ——— have been conferred upon you and your heirs for ever, subject to the payment of such annual rent as may from time to time be imposed, and to the conditions of surrendering all arms, destroying forts, preventing and reporting crime, rendering any service you and they may be called upon to perform, and of showing constant good faith, loyalty, zeal, and attachment, in every way in which they can be manifested to the British Government according to the provisions of the engagement you have executed, the breach of any one of which at any time shall be held to annul the right and title now conferred on you and your heirs.

"It is also a condition of this grant that you will, so far as in your power, restore the agricultural prosperity of your estate wherever it has deteriorated, and that you will treat all holding under you with consideration, and secure them in the possession of all the subordinate rights they have heretofore enjoyed. As long as the above obligations are observed by you and your heirs in good faith, so long will the British Government maintain you as full proprietor of the above-mentioned estate, in confirmation of which I herewith attach my seal and signature."

alterations, is herewith enclosed for adoption, and for careful translation into the Hindostanee language, in which the sunnuds will be prepared.

"3. The sunnuds declare that, while on the one hand the Government has conferred on the talookdars, and on their heirs for ever, the full proprietary right in their respective estates, subject only to the payment of the annual revenue that may be imposed from time to time, and to certain conditions of loyalty and good service; on the other hand, all persons holding an interest in the land under the talookdars will be secured in the possession of the subordinate rights which they have heretofore enjoyed.

"4. The meaning of this is, that when a regular settlement of the province is made, wherever it is found that zemindars or other persons have held an interest in the soil intermediate between the ryot and the talookdar, the amount or proportion payable by the intermediate holder to the talookdar, and the net jumma finally payable by the talookdar to the Government, will be fixed and recorded after careful and detailed survey and inquiry into each case, and will remain unchanged during the currency of the settlement; the talookdar being, of course, free to improve his income and the value of his property by the reclamation of waste lands (unless in cases where usage has given the liberty of reclamation to the zemindar), and by other measures, of which he will receive the full benefit at the end of the settlement. Where leases (pottahs) are given to the subordinate zemindars, they will be given by the talookdar, not by the Government.

"5. This being the position in which the talookdars will be placed, they cannot, with any show of reason, complain if the Government takes effectual steps to re-establish and maintain in subordination to them the former rights (as these existed in 1855) of other persons whose connection with the soil is in many cases more intimate and more ancient than theirs; and it is obvious that the only effectual protection which the Government can extend to these inferior holders is to define and record their rights, and to limit the demand of the talookdar as against such persons during the currency of the settlement to the amount fixed by the Government as the basis of its own revenue demand.

"6. * * * The Governor General agrees in your observation, that it is a bad principle to create two classes of recognised proprietors in one estate, and it is likely to lead to the alienation of a larger proportion of the land revenue than if there were only one such class; but whilst the talookdaree tenure, notwithstanding this drawback, is about to be recognised and re-established, because it is consonant with the feelings and traditions of the whole people of Oude, the zemindaree tenure, intermediate between the tenures of the talookdar and the ryot, is not a new creation; and it is a tenure which, in the opinion of the Governor General, must be protected."

On 13th July 1859, the Chief Commissioner forwarded a report on the summary settlement which had been effected by Colonel Barrow, Special Commissioner of Revenue.

Extract, para. 3.

"The policy of the previous settlement operation in 1856 having been called in question, it was determined to make the status before annexation the basis of the forthcoming one; that is, instead of recognising the rights of the long dispossessed village communities, the talookdaree system was declared to be the 'ancient, indigenous, and cherished system of the country.'"

Extract. part of para. 2 and para. 3, from Government reply; (No. 142), dated 28 October 1859.

"2. Immediately after the issue of his Excellency's proclamation, when it had been determined to make the status at annexation the basis of the settlement, and to uphold the talookdaree system as it then stood, the landholders were called upon to tender their allegiance and receive back their lands * * * *

"3. The main object and principle of the settlement was to re-confer proprietary rights on persons possessing the strongest prescriptive title, and to impose a moderate assessment."

Extracts, paras. 6 to 8, and para. 11, from Despatch of Secretary of State; (No. 33), dated 24 April 1860.

"6. In pursuance of these views, the status in all talookdaree estates, as it existed at annexation in 1856, has been virtually maintained. The information on this subject is as follows: The Chief Commissioner of Oude (see paragraphs 349 and 352 of his report) remarks, 'As far as possible, the status of parties in 1856, prior to annexation, was restored.' Again, 'having therefore carefully investigated each talookdar's claim, and adhering as far as is practicable to the state of affairs in which we received the province from the King, the Chief Commissioner has decided, subject to the approval of the Supreme Government, that, as a general principle, the title to land now conferred by the Government on any landholder is fixed and incontestible.' It is true that the Chief Commissioner

missioner goes on to say that, 'in any particular case of palpable injustice, a special reference may be made for the consideration of the Government;' but such cases the Chief Commissioner trusts will be rare, and should not be the subject of ordinary investigation. But how such cases were to become known is not apparent; no time was given for this purpose, for we know that not long after the settlement was completed the rights then conferred on the talookdars were declared by the Supreme Government final and irrevocable.

" 7. The point then of importance is, what was the nature of the investigation which was made into the conflicting claims of the talookdars and the ancient village proprietors? The parties whom the present Chief Commissioner, Mr. Wingfield, himself admits were the real owners of the lands.* The Chief Commissioner's report above quoted is silent on this subject; but in Major Barrow's letter, 24th June 1859, it is stated that 'it was determined to make the status before annexation the basis of the forthcoming one,' instead of 'recognizing the rights of the long dispossessed village communities; the talookdaree system was declared the ancient, indigenous, and cherished system of the country.' Under such views it is clear that the claims of the village proprietors could not have had much chance of an impartial hearing; the period during which these settlements were in operation could not have occupied many months: Major Barrow states that they only began in November and December 1858, and he was writing in June. Much of the country was scarcely during the settlement wholly free from the influence of the mutineers. Under such circumstances, no really satisfactory inquiry into such intricate matters as disputed landed tenures could have been effected. The result of the inquiry was, that the old status in talookdaree villages was maintained in the ratio of 89, 28, 138 to 14, 50, 893. From the enclosure appended to Major Barrow's report, it appears that while in 1856 only 13,640 villages, out of 23,522, were maintained in the possession of talookdars, no fewer than 22,658 have now been absolutely confirmed to them; they have therefore only lost 906 villages, many of which, it is apparent from paragraph 13 of the report, had been redeemed from mortgage; hence it is clear that the talookdars have been almost entirely successful in the assertion of their claims. This being the case, it is questionable whether it would not have been expedient to have paused and given time to the village proprietors to make known their claims before rendering these decisions final and irrevocable. If the claims of the talookdars were just and right, if, as it has been so often urged, the feelings of the village proprietary bodies were in favour of the talookdars, their interests would not have suffered, while the Government would have had the satisfaction of knowing that substantial justice had been done. On the other hand, the delay would have given opportunity for the redress of any real wrongs which may have been inflicted. In what has now been set forth, it is by no means the object of Her Majesty's Government to advocate the revival of antiquated rights which had long passed out of the hands of the original owners; but that it would have been politic to have fixed a period within which all claims to the recovery of rights in the soil might have been heard. A period of 12 or even 20 years before our rule, considering the state of misrule into which Oude was plunged for some considerable period previous to annexation, would have been fair and reasonable. The old influential families, and the really ancient talookdars, the heads of clans and races, would have lost little, perhaps nothing, by such a policy; while the native officials and followers of the court, who have often risen to power by the lowest ways, would have had to disgorge some of their ill-gotten acquisitions.

" 8. There is nothing in the East to which the people are more thoroughly attached than to their rights in the soil. If left to themselves, public opinion among them would advocate the restoration of lands which have long been lost to a family. Such a course we cannot adopt; but a moderate period may fairly and wisely be fixed within which rights in land might be recovered. It is the practice which has been pursued all over India with eminent success. I do not consider that there is any real force in the plea that the village communities announced their predilection for the feudal system of tenure by rallying round the talookdars during the mutiny. The fact must not be forgotten that, as the kinsmen and co-religionists of the mass of the mutineers, they identified themselves with the cause. They found the talookdars with strong forts and numerous retainers, and were glad to place these chiefs at their head in a struggle which they must have seen required the united effort of the country to prove successful. Their conduct proved that they hated and feared the British power under the circumstances of the times more than they disliked the talookdar, but not that they preferred his rule to their own independence. Her Majesty's Government will not withhold their confirmation of the arrangement which you have concluded; but they are of opinion that a measure might have been adopted which would not have given to the talookdars the benefit of acts of spoliation and usurpation which appear in many cases to have taken place. They would suggest that if any failure should occur on the part of a talookdar in fulfilling the conditions on which his grant rests, your Government should avail itself of the opportunity to redress any obvious grievances of this nature which may have resulted from the measure now remarked on.

" 11. You were quite right in rejecting at once the proposition of the Chief Commissioner,

* His words are: "If after having then ascertained, what every one knows already, that they are the rightful proprietors of the soil."—See paragraph 4 of Mr. Wingfield's letter, 15 July 1859, to Mr. Beadon.

sioner, that all under-tenures should be abandoned to the mercy of the talookdars; and I observe from your Lordship's more recent proceedings that the engagements into which you have entered with the talookdars provide for the protection of the under proprietors, and that when a regular settlement is made, in all cases where there is an intermediate interest in the soil between the talookdar and ryot, the amount or proportion payable by the intermediate or subordinate holder to the talookdar will be fixed and recorded after careful and detailed survey. I consider that on a careful adherence to this rule must now mainly depend the maintenance of the rights of the village communities."

Paragraphs 6 to 8 of the above Despatch were never communicated to the Chief Commissioner, but paragraph 11 was.

Extract, part of paragraph 2 of Letter to Oude; (No. 2016), dated
15 June 1860.

"I am to draw your particular attention to paragraphs 11 and 17, the sense of which you are requested to embody in your instructions to the officers charged with the duty of making the detailed settlement of the province.

"On 7th September 1860 the Chief Commissioner forwarded to Government a copy of 'the Instructions,' otherwise called the 'Record of Rights,' which he proposed 'to issue to officers entrusted with the regular settlement of the province.'"

Extract, paragraphs 1, 2, 13, 14, and 29, from the "Record of Rights" enclosed in Chief Commissioner's Letter; (No. 3203), dated 7 September 1860.

"Though the summary settlement recently concluded with the talookdars has been declared final and perpetual, subject only to revision of assessment, it has at the same time been provided that the rights of the under proprietors or parties holding an intermediate interest in the land, between the talookdar and the ryot, 'shall be maintained as these rights existed in 1855;' and in paragraph 5 of Government Letter, No. 2016, dated 15th June last, it is explained "that the only way in which the under-proprietors can be protected is by limiting the demands of the talookdars against such persons during this settlement to the amount fixed by Government as the basis of its own revenue demands."

"2. The rule on which we must take our stand for determining the amount payable to the talookdar by the under proprietors, or persons holding an intermediate interest between him and the ryot, is to maintain the rights they were found possessed of in 1855, or just before the annexation of the province, and no others; or we shall in part be repeating the errors of 1857; and reviving extinct rights as much to the disgust of the intermediate holders in possession as of the talookdars. Rights conceded to the talookdars subsequent to the above date will, however, as it is almost unnecessary to observe, be maintained. It would be better, indeed, to take the *status quo* in the Fuzlee years 1262-63, corresponding with the English years 1854-55, as the basis for the determination of these rights, because a general settlement of the land revenue of Oude was made during those years, and at the same time arrangements were entered into between the talookdars and the intermediate holders, which are known to have been favourable to the latter as regards the recognition of their rights; for it was the object of the talookdars, who were then nearly all in a state of chronic rebellion to the Government, to conciliate them and command their services in the field. The terms then concluded gave satisfaction to the under proprietors, who, in disputed cases, appeal to them always; and they have formed the basis on which pottahs have been given for the past two years. Both parties will cheerfully abide by them now, and they should be adhered to with such deviation as circumstances in any case may render necessary, and which will be adverted to hereafter."

"13. It has been explained that only the subordinate rights existing in 1855, or subsequently conceded, are now to be recognised and recorded. If those persons who once held an intermediate interest in the land between the talookdar and the ryot are found to have been reduced, prior to annexation, to the position of mere cultivators, they will not be raised from it now. The Chief Commissioner thinks it will be usually found that in a village settled with a talookdar, but occupied by a *ci-devant* proprietary community, the headman of each thoke or puttee (sub-divisions of a village) have enjoyed certain rights and advantages in consideration of their being representatives of the former independent body, and of managing the village for the talookdar. These rights they most likely enjoy in the form of a low rate on their seer land, or some beegahs at low rent, and other members of the brotherhood in occupation of the village lands have been admitted to a share in them. For instance, one of these intermediate holders, instead of paying the talookdar 180 rupees for the land he holds as seer, which is the amount that would be due at ordinary village rates, pays 50 rupees only; that sum will, to speak in a broad sense, be recorded at settlement as the amount payable by him and his co-sharers for their seer lands to the talookdar; they will thus enjoy 100 rupees of the rental as their intermediate interest. For the other lands that they hold on the same terms as non-proprietary cultivators, they will pay up the same rate as the latter do. The total amount payable by each man will then be recorded in a specific sum on his entire holding. There may be few or many of these intermediate holders, according as the former proprietary communities are found in different degrees of vitality; but other village occupants, though members

members of the same brotherhood, if they had ceased before annexation to enjoy any similar rights or advantages, will not be admitted to any now.

"14. The Chief Commissioner has reason to believe that most members of the brotherhood, resident in the villages in 1264 Fuslee, were in possession of their rights, and those who then came forward to claim lost rights had been absent from the villages for years; but many of these, and many disbanded sepoys, will now be found in the position of mere cultivators, and such will continue to hold the land at the ordinary village rates.

"29. The above observations refer to villages settled with talookdars: with regard to zemindars, and all other parties not being talookdars with whom the summary settlement has been made, the Orders of Government, No. 6268, dated the 18th October, are that the late Chief Commissioner's Circular, No. 31, of 28th January 1859, which declared the settlement with these parties also final and irrevocable, 'must not be strictly enforced, and that opportunity must be allowed at the regular settlement to all disappointed claimants to bring forward their claims, and all such claims must be heard and disposed of in the usual manner. These instructions are too clear to need any comment. All who are not talookdars will be known by their not having received sunnuds. To all lands held by such persons claims must be heard, whether they were brought forward at the late settlement or not, for many had not a fair chance of appearing then. Regarding claims resting on mortgages, detailed instructions have already been given. All other claims will come under the provisions of clause 12, section 1, of Act XIV. of 1859, prescribing 12 years as the period of limitation to suits for rights in land, to be computed back from the date of the settlement of the village in 1858-59, if the claim was made then; and if not, from any subsequent date on which it was preferred up to the time the cause of action arose, which will be the date of dispossession. Possession given at the settlement in 1264 Fuslee will not bar adverse claims, for that was but a summary settlement, nor will it be allowed to extend the period of limitation. This rule will apply to all claims to land, whether to whole villages, or fractional interests, or specific portions (puttees)."

These instructions were approved in the following terms by Government in letter, No. 74, dated 8th January 1861, paragraph 2:—"The instructions appear to the Governor General to be very just and proper, and to be framed in accordance with the views which the Government have already expressed."

EXTRACT, 24 & 25 Vict. c. 67, s. 25, passed 1st August 1861.

"XXIV.—Whereas doubts have been entertained whether the Governor General of India, or the Governor General of India in Council, had the power of making rules, laws, and regulations for the territories known from time to time as 'Non-regulation Provinces,' except at meetings for making laws and regulations, in conformity with the provisions of the said Acts of 3 & 4 Will. 4, c. 85, and of 16 & 17 Vict. c. 95, and whether the Governor, or Governor in Council, or Lieutenant Governor of any presidency or part of India, had such power in respect of any such territories; be it enacted that no rule, law, or regulation which prior to the passing of this Act shall have been made by the Governor General, or Governor General in Council, or by any other of the authorities aforesaid, for and in respect of any such Non-regulation Province, shall be deemed invalid only by reason of the same not having been made in conformity with the provisions of the said Acts, or of any other Act of Parliament respecting the constitution and powers of the Council of India or of the Governor General, or respecting powers of such Governors, or Governors in Council, or Lieutenant Governors as aforesaid."

EXTRACT, paragraph 9, from Despatch of Secretary of State, No. 105, dated 17th August 1861, reviewing the Oude Administration Report for 1859-60.

"9. I have already called your attention to the important point that the rights of under proprietor should be clearly defined and jealously protected. In my Despatch of the 24th of April 1860 I called the attention of your Excellency's Government to this subject, and I have since consulted the correspondence which you have forwarded, with much anxiety, to ascertain the measures which might be in progress for the accomplishment of this important object. I observe that in his annual report the Chief Commissioner speaks favourably of the contentment of the under proprietors, and states that they have had no difficulty in fulfilling their obligations to the talookdars. The papers officially reported are wanting in detailed information upon this point. I gather, however, from a circular entitled 'Record of Rights' (placed in my hands by Mr. Wingfield, to whom I applied for information on this subject), which the Chief Commissioner in January last issued to his subordinate officers, that in consequence of my instructions some measures have been taken to protect the rights of the under proprietors, and I shall be glad to learn from your Excellency's Government that these measures have been found in practice to be sufficient, especially in the case of those proprietors who in 1856 were admitted to direct settlements with your Government, but have since been placed in subordination to the talookdars. I abstain from further remarks upon the contents of this paper until such time as I shall receive it officially from your Government with your Excellency's comments on the subject. I must, however, observe that the definition of the rights of the subordinate holders

is based too exclusively upon the status of 1855, which was a period of misrule and "disorder."

It is necessary to add, that the revenue courts in Oude are alone empowered to hear and decide questions as to landed rights, to the exclusion of the civil courts.

It should also be mentioned that the Limitation Act was extended to Oude 19th August 1859.

As was before stated, the question for your consideration is, whether, through the operation of section 25 of the Indian Council's Act on the foregoing documents, claimants of under-proprietary interests, who cannot show possession in 1855, are deprived of all remedy.

It is assumed that, but for the sanction given by section 25 of the Act to rules, laws, or regulations issued by a Chief Commissioner with the approval of the Governor General in Council (who is the local Government of Oude), claims to under proprietary interests would have to be disposed of by the courts according to the general law applicable to Oude.

In favour of the view that all such interests not actually enjoyed in 1855 have been annulled, it is argued—

That the intention of the Chief Commissioner to adopt 1855 as the utmost limit from which an under proprietary title should be permitted to be traced, is clearly expressed in his correspondence with the Government of India; that the policy of disallowing old claims to land, lest they should curtail the interests of the talookdars, is distinctly enunciated by him; that this intention was adopted and this policy approved in plain language by the Governor General in Council; that the policy was finally embodied and the intention carried out in the document called the "Record of Rights," which lays down as a rule that claims older than 1855 are to be disregarded, and that this rule having received the sanction of the Governor General in Council became law through the Indian Council's Act.

Against the above view it is contended—

1. That though the above series of papers may contain a general declaration of intended policy, they contain nothing sufficiently definite to be called the "rule, law, or regulation," and that consequently there is nothing upon which section 25 of the Indian Council's Act can operate.

2. That the effect of section 25 is merely to cure defects of legislative power; that it has no application to orders which, in a Regulation Province, might be issued without legislation; and that, consequently, it does not apply to a revenue order, even though it should be irregular or should be contrary to law; that revenue orders, whether issued in Regulation or in Non-Regulation Provinces, are always subject to correction by the civil courts in so far as they affect rights; that the Chief Commissioner's "Record of Rights," being an instruction to settlement officers, is merely a revenue order; that although the revenue courts in Oude have exclusive jurisdiction over claims to land, they are bound to decide such claims as civil courts; and that, accordingly, the Oude revenue courts, in their character of civil courts, are not debarred by the "Record of Rights" from entertaining claims by under proprietors, even though based on possession previous to 1855.

3. That the Secretary of State, in his Despatch of 17th August 1861, expressly reserves his approval of the "Record of Rights," and that, consequently, it has no validity till sanctioned by him; that while the Governor General in Executive Council may have attempted to exercise legislative power in non-regulation territories before 1861, he never claimed to exercise it except subject to the approval of the Court of Directors or the Secretary of State; that although the above Despatch of the Secretary of State bears date some days subsequently to the Indian Council's Act receiving the Queen's assent, yet the reservation of approval in that Despatch is still effectual, inasmuch as section 25 of the Act gives validity to no rules except such as are invalid only for want of legislative sanction, and the "Record of Rights" is invalid, not only on that ground, but as not having received the approval of the Secretary of State in Council.

You are requested to decide between these views and to make such further observations as may seem to you to be necessary.

From *T. H. Cowie, Esq.*, Advocate General, to the Secretary to Government of India, Foreign Department; dated Calcutta, 13 September 1864.

I HAVE NOW the honour to reply to your letter, No. 48, requiring my opinion as to the operation of section 25 of the Indian Council's Act on the orders and directions of the Chief Commissioner of Oude and of the Government of India, to which your letter refers.

2. The question is one of no small difficulty and importance, and I have carefully considered it. The difficulty is not as to the meaning of section 25, but as to its application to the particular orders and instructions in question.

3. I am clearly of opinion that the "rules, laws, and regulations" referred to in section 25, are such as, if passed for the "Regulation Provinces" since the 22d April 1834, must have been passed by the Council of the Governor General in its legislative capacity. I apprehend that, previous to the passing of the Charter Act of 1833, there was, in point of law, no difference between Regulation and Non-regulation Provinces as respects the power of the Governor General in Council to pass laws, whether called regulations, or orders, or rules. Any newly acquired territory which was formally annexed to one of the Regulation Provinces became thereby subject to the whole code of regulations then in force with respect to such province; but whether such formal annexation took place or not, made, I apprehend, no difference as regards the prospective acts of the Governor General in Council in passing regulations or orders; such regulations or orders, whether as regards the Regulation or Non-regulation Provinces, derived their force, as law, by virtue of the provisions of the 21 Geo. 3, c. 70; the 39 & 40 Geo. 3, c. 79, and the 53d Geo. 3, c. 155.

4. The 51st section of the Charter Act of 1833, in speaking of the "rules and regulations" which had theretofore been made by the several Governments of India, evidently had reference to rules and regulations of the nature of the "laws and regulations for all persons, &c.," the future passing of which forms the subject of the 43d section of that Act. Then the 16 & 17 Vict. c. 95, made considerable alterations in the constitution of the Council of the Governor General as regarded legislation, and still further alterations were made by the Indian Council's Act. In each successive Act the Legislature was dealing with the matter of making laws, and the 25th section of the Council's Act immediately follows the provisions as to future law making.

5. I think it clear that the section must be read as applicable to such rules and regulations as were in the nature of laws affecting rights or imposing punishments, and that any rules or orders which in their nature were only rules for the guidance of a department, or for the action of the executive, and which could be, and always have been issued by the Government in its executive capacity merely, do not come within the section.

6. Applying these considerations to the various orders and instructions on the subject of the Oude talookdars and under proprietors, I have come to the conclusion that the declaratory order of the Government of India, of date the 10th October 1859, and which appears to have been implicitly sanctioned by the Secretary of State (see paragraph 8 of the Despatch of 24th April 1860), is a rule or regulation coming within the 25th section of the Council's Act, and having the force of a legislative Act. In substance and form it appears to me a declaratory enactment, intending to establish, and establishing in sufficiently clear terms, the "permanent, hereditary, and transferable proprietary right;" and, I think that the same legislative force must be given to the reservation subject to which the right is declared, viz., "of any measures that the Government may think proper to take for the purpose of protecting the inferior zemindars and upholding their rights in the soil in subordination to the talookdars."

7. I do not think that the like effect can be given to any of the other documents mentioned in your letter. In particular, I am of opinion that the so-called "Record of Rights" (treating it as an Order of the Governor General in Council, and putting aside the objection arising on the absence of confirmation by the Secretary of State) cannot be treated as a valid law, reducing the under proprietors to their status as regards possession at the date of the annexation. It appears to me to be nothing more in law than an instruction to the revenue

officers as to the principles on which they are to proceed in making the settlement; and, as such, it could not extinguish the right of an under-proprietor which has not been barred by limitation, although it may not have been enjoyed by him in possession at the date when Oude was annexed.

8. Further, it appears to me that this "Record of Rights" has never received the sanction of the Secretary of State, but that, on the contrary, such sanction has been substantially withheld to its most important particular, viz., the establishment of the possessory status of 1855.

9. Practically, it appears to me that the reservation introduced in the Governor General's Order, declaring the proprietary right of the talookdars, is so wide that it leaves the rights of the under proprietors where they were, and those rights remain as they were prior to annexation, and will so remain (subject, of course, to the effect of the Limitation Act) except in so far as they may be affected by express legislation.

PRÉCIS ON OUDE REVENUE SYSTEM, by Mr. C. U. Aitchison.

Settlement is Talookdaree.—The reasons which, on the re-occupation of Oude, led to the substitution of a talookdaree settlement for the village system of the North-Western Provinces, which had been followed on the first annexation in 1856, are forcibly set forth in the following extract from Lord Canning's Despatch, No. 13, dated 25th November 1859:—

"The real feeling of the country, unequivocally exhibited during the period of anarchy which followed the mutinies, has disclosed or made more manifest defects in the land revenue system of the North-Western Provinces, which we cannot safely leave out of mind when re-organizing the land tenures and administration of a new kingdom.

"The maintenance of a territorial aristocracy in India, wherever we have such an aristocracy still existing, is an object of so great importance, that we may well afford to sacrifice to it something of a system which, whilst it has increased the independence and protected the rights of the cultivators of the soil and augmented the revenue of the State, has led more or less directly to the extinction or decay of the old nobility of the country.

"How to preserve this class for useful purposes, and to prevent its impoverishment by idleness, extravagance, and dissipation, without recognizing exclusive rights and unequal laws in its favour, has long been a difficulty. But in Oude at least we have a new and favourable opportunity of attempting the solution of the problem. The Government has been, from the date of the confiscation proclaimed in March of last year, free to take a new departure, unencumbered by its previously-declared adoption of a system similar to that of the North-Western Provinces. The system which has been chosen is the old talookdaree system of the country, but modified and much guarded from abuse by the terms in which the new grants of their talookas have been made to the talookdars and their heirs, and accompanied by invitation and encouragement to some of the most trustworthy to take part in the revenue administration and in the magisterial duties of their districts.

"These measures have already been described in my Despatches of 29th October and 18th November, Nos. 1 and 8. What success they will have remains to be proved. But I think it is certain that only by some such measures can we obtain a hold over the country which shall be beneficial to all classes of its people. We must work downwards, through the landed aristocracy and the old hereditary chiefs, carrying the best of them with us as regards their interests, and, if possible, as regards their feelings; but showing them that abuse of the authority which we intrust to them will be followed by discredit and loss to themselves. If we work upwards, elevating the village proprietors, whilst we thrust aside their heretofore arbitrary masters, not only curbing the power of the latter, but narrowing the field of their interests and occupations, we shall succeed in nothing but in sowing dissension between the two classes of lords and cultivators of the soil, making discontented subjects of the first, and getting little gratitude from the second."

On the re-occupation of the Province, then, immediately after the issue of Lord Canning's Proclamation confiscating all landed rights in Oude, and "when it had been determined to make the status at annexation* the basis of the settlement," the Chief Commissioner commenced a summary settlement with the talookdars. The entire land assessment thus summarily made amounted to 104,20,990 rupees; being 68,685 rupees over the village assessment of 1856. This summary settlement "was fixed for three years certain, from 1st May 1858, or until a detailed settlement can be carried out in combination with the survey;" but in the Gonda and Baraitch districts, in which cultivation was very backward, it was prolonged† to 1st May 1867.

The earliest instructions‡ given regarding the manner in which the settlement was to be carried out were of the most general kind. The elaboration of details was left entirely to the judgment of the Chief Commissioner, subject to one general principle

* To Oude, No. 142, dated 28 Oct. 1859.

† To Oude, No. 798, dated 6 Mar. 1860.

‡ To Oude, No. 3502, dated 6 Oct. 1858, paras. 34, 35.

principle, viz., that the settlement was to be so framed as to secure the villagers from extortion and oppression on the part of the talookdars.

Who are Talookdars.—The usual definition of a talookdar is the proprietor of the superior interest in an estate in which there are properties of different kinds, superior and inferior. In Oude, however, the term talookdar has a much more extended application, and is defined * to mean “every opulent zemindar paying revenue direct to the Government, whether there be subordinate holders intermediate between him and the actual cultivator of the soil or not.”

* To Oude, No. 4060, dated 12 Sept. 1860, para. 19.

Proprietary Rights of Talookdars.—It was reported † after the re-occupation of the Province in 1858 that neither talookdars nor village proprietors believed in the permanency of the rights conferred by the settlement, and the Chief Commissioner, therefore, proposed to declare that the proprietary right in the soil should finally and perpetually remain with those with whom the summary settlement had been made, whether these were talookdars or village proprietors; and that, unless in very exceptional cases of great hardship, to be reported to the Chief Commissioner, claims to right in the soil should not be re-opened before any tribunal: it was not intended, however, that this declaration should affect under-tenures.

† From Oude, No. 1091, dated 4 June 1859; from Oude, No. 1377, dated 16 July 1859.

The Governor General, however, was not prepared to bar all future claims to proprietary right in the case of zemindars or others not being talookdars, and decided ‡ that in their case opportunity should be allowed at the next settlement to all disappointed claimants to bring forward their claims, and that all such claims should be heard and disposed of in the usual manner. In regard to talookdars, however, the Governor General fully concurred in the expediency of removing all doubt as to their tenure, and therefore declared “that every talookdar with whom a summary settlement has been made since the re-occupation of the Province has thereby acquired a permanent hereditary and transferable proprietary right in the talooka for which he has engaged, including the perpetual privilege of engaging with Government for the revenue of the talooka.”

‡ To Oude, No. 6268, dated 10 Oct. 1859.

Subordinate Proprietary Rights.—It was not intended by this to obliterate or destroy the rights of subordinate proprietors or others in the talookdaree estates; on the contrary, the gift of the proprietary right to the talookdar was expressly declared to be “subject to any measure which the Government may think proper to take for the purpose of protecting the inferior zemindars and village occupants from extortion, and of upholding their rights in the soil in subordination to the talookdar.” A clause to this effect was inserted in the sunnuds granted to the talookdars, the force of which was defined§ in the following terms:—

§ To Oude, No. 23, dated 19 Oct. 1859.

“The meaning of this is, that when a regular settlement of the Province is made, wherever it is found that zemindars or other persons have held an interest in the soil intermediate between the ryot and the talookdar, the amount or proportion payable by the intermediate holder to the talookdar, and the net jumma finally payable by the talookdar to the Government, will be fixed and recorded after careful and detailed survey and inquiry into each case, and will remain unchanged during the currency of the settlement; the talookdar being, of course, free to improve his income and the value of his property by the reclamation of waste lands (unless in cases where usage has given the liberty of reclamation to the zemindar), and by other measures of which he will receive the full benefit at the end of the settlement. When leases (pottahs) are given to the subordinate zemindars, they will be given by the talookdar, not by the Government.

“This being the position in which the talookdars will be placed, they cannot with any show of reason complain if the Government takes effectual steps to re-establish and maintain in subordination to them the former rights, as these existed in 1855, of other persons whose connection with the soil is in many cases more intimate and more ancient than theirs; and it is obvious that the only effectual protection which the Government can extend to these inferior holders is to define and record their rights, and to limit the demand of the talookdars against such persons during the currency of the settlement to the amount fixed by the Government as the basis of its own revenue demand.

“What the duration of the settlement shall be, and what proportion of the rent shall be allowed in each case to zemindars and talookdars, are questions to be determined at the time of settlement. The Governor General agrees in your observation that it is a bad principle to create two classes of recognised proprietors in one estate, and it is likely to lead to the alienation of a larger proportion of the land revenue than if there were only one such class. But whilst the talookdaree tenure, notwithstanding this drawback, is about to be recognised and re-established because it is consonant with the feelings and traditions of the whole people of Oude, the zemindaree tenure intermediate between the tenures of the talookdar and the ryot is not a new creation, and it is a tenure which, in the opinion of the Governor General, must be protected.”

Effects of Confiscation on Rights of Talookdars and subordinate Proprietors.—From some correspondence which the Governor General in Council called for from Oude in 1860, it appeared that the Officiating Chief Commissioner (Colonel Barrow) was under serious misapprehension on this subject. It was admitted, indeed, that the effect of Lord Canning's proclamation of confiscation was to obliterate, wherever it was carried out, rights of every kind in the soil, whether superior or inferior. The Officiating Chief Commissioner, however, maintained that, whereas, on the one hand, in estates in which confiscation had not been enforced, rights of all kinds remained unaffected, on the other hand, in estates which had actually been confiscated and then conferred as rewards on talookdars, all subordinate rights had been obliterated by the act of confiscation, and the grantee received the estate unfettered by any subordinate rights whatever.

From this view the Governor General in Council entirely dissented; he declared* that the policy of Government had been to leave the confiscation of 1858 in force only in the cases of persons who persisted in rebellion, and to restore in its integrity the ancient talookdaree tenure wherever it had existed at the time of the first occupation of Oude in 1856; but that it was never intended that in talookdaree estates confiscated or conferred in consequence of the persisted rebellion of the talookdar, on a new grantee all the holders of subordinate rights, though themselves not persisting in rebellion, and though pardoned by the Queen, should be merged in the consequences of the talookdar's guilt and become partakers of his punishment.

"It was the intention of the Government that all such subordinate holders, unless specially deserving of punishment† for persistent rebellion, should be restored to the rights they possessed before the rebellion, whether the parent estate were ancestral, acquired, or conferred, and that every such holder should be maintained in his rights under the new grantee precisely as if the talooka had not been confiscated, or as if, having been confiscated, it had been settled with the hereditary talookdar.

"Generally, as regards the position of those who hold under the talookdars, the intention of the Proclamation of 1858, and of every Act of Government that has followed it, was a return to the condition of things which existed before the annexation of Oude, and which had been altered (for the better, as was then believed) by the action of our officers in 1856 under the instructions issued on annexation. This is stated broadly and generally in paragraphs 29, 30, and 31‡ of the Governor General's published Despatch of June 17th 1858 to the Secret Committee, and is further explained in the instructions of October 19th 1859.

13. "As regards the talookdars, the intention of the Proclamation of 1858 and of the declarations made and measures taken in October 1859 and subsequently was, *first*, that in replacing them in possession of their old estates, or in conferring upon them new estates (as the case may be), they should step into such possession, carrying with them the rights and authority which the talookdars of those estates respectively held before annexation, and which the action of our officers in 1856 had impaired; and also carrying with them a new title derived from the Government, from whom alone, as their possessions had been confiscated, any title could be derived.

"*Secondly*, that the talookdars should, by certain obligations imposed upon them, be restrained from the abuse of those rights and that authority.

14. "As already observed, you are quite right in saying that 'confiscation § under the Proclamation of March 1858, where it has been carried out, annuls proprietary rights of every kind in the soil, inferior as well as superior;' and in this sense confiscation was carried out *throughout the province*, except as regards the *six* estates specified in the Proclamation.

15. "It makes no difference whether subsequently any particular estate was re-granted to its former talookdar, or was granted for the first time to a stranger. The proclamation of confiscation had its effect in both cases, enabling the Government in both to revert to the order of things which existed before annexation, and to superadd certain precautions against the abuses then practised.

16. "It

† With exception of Act X. of 1858, none of the Penal Acts passed during the mutiny years contemplate the confiscation of rights generally, but only of the rights of individual offenders. But under Section 9 of Act X. of 1858, all under-tenures and the rights even of cultivators can be confiscated. See Proceedings, Revenue, A., Nos. 233-5, of February 1861.

‡ Paragraph 31.—"I apprehend little difficulty, and, so far as experience has gone, little has, I believe, been found in explaining to the talookdars and landowners with whom our officers have come in contact, that the 'confiscation' does not necessarily operate as a permanent deprivation of their rights, but that it places in the hands of the Government the power of punishing those who shall still persist in rebellion after life and honour have been guaranteed to them, of rewarding those who shall promptly come forward and give their support to the Government and to the cause of order, of substituting in every case of restoration the undeniable title derived from the will of the Government for the doubtful title which alone could be advanced by the majority of those whom the order affected, and of attaching to the fiat of restoration such conditions of service (political and military), fealty, and good conduct as the altered circumstances of the province have made essential to the firm establishment of our authority."

* To Oude, No. 4060, dated 12 Sept. 1860.

§ Letter of 24 April 1860 to Commissioner of Lucknow.

16. "It is a mistake to suppose that because an estate is now in the hands of the talookdar, who held it under the British Government from the time of annexation to the time of the mutinies, the decree of confiscation has not taken effect on it. The effect of the proclamation upon such an estate has been that it is now held under a direct title from the British Government, and that the relations which subsist between its talookdar and the holders under him are those which subsisted between them before annexation, modified or regulated by such obligations as the Government has imposed, not those which were established between them by our officers acting under the instructions issued at annexation."

The same decision applies* to the estates granted as rewards to European officers and others in Oude.

* To Oude, No. 5114, dated 31 Oct. 1860.

Rights of Cultivators.—No distinction † was to be made in the records at the regular settlement between cultivators at fixed rates and cultivators at will. The reasons for this are given in the following extract from the Paper of Instructions to the Settlement Officers:—

† Paragraph 31 of Instructions.

"Abstractedly viewed, he (the Chief Commissioner) considers that to give a right of permanent occupancy at an unvarying rent to the tiller of the soil is an invasion of the rights of property, and a clog on enterprise and improvement; it must be shown that nothing less will suffice to guard the ryot from ill-usage to justify such a measure. There is not the slightest possibility of this result happening in Oude; consequently, the measure is utterly unsuited to the province. In three-fourths of Oude there is a deficiency of cultivators: they are so valuable that no landlord would seek to dispossess a good one, and a bad one he should be free to get rid of. Even in those parts where the population is more abundant, no symptom that the cultivator needs protection has been manifested. The question has not been stirred by the cultivators themselves; to create an element of present discord to provide against a contingency that cannot possibly occur for the next 30 years throughout three parts of the province, or for seven or eight years to come at least in the remaining fourth, would demonstrate a wanton spirit of meddling. The abandoned and waste lands of Oude will furnish occupation to any number of cultivators for many years yet, and if increase of population in the already thickly peopled districts of the south-east of Oude should eventually have the effect of driving cultivators across the Gogra, it would be the greatest benefit that could be conferred on the province. It may further be observed that the extension of the system of granting pottahs down to every one who holds land of another, which the Chief Commissioner contemplates, will afford ample protection to every one."

These instructions were approved ‡ of generally by Lord Canning; but the question was re-opened in December 1862 in consequence of some remarks made by Mr. Campbell in his Report on the Judicial Administration for 1861. Mr. Campbell admitted that it was probable there would be no cultivators found in Oude entitled to hold at fixed rents in the sense of payment of a definite sum of money for ever; but he held that there were cultivators entitled to hold on payment of a definite proportion of the produce, or at a fair rent, and who, therefore, differed from tenants at will; and he argued that, as talookdars were now invested with judicial powers in revenue matters, and were, in fact, judges in their own cause of what is and what is not a fair rent, the rights of these cultivators would be obliterated unless they were recorded, and all would be reduced to the position of tenants at will.

‡ To Oude, No. 74, dated 8 Jan. 1861.

The Chief Commissioner was asked § whether the results anticipated by Mr. Campbell were not likely to ensue from the omission in the settlement record of all reference to the rights of cultivators, coupled with the judicial powers conferred on talookdars; and whether it would not be possible so to record the rights of the cultivators as to keep them alive, leaving it to the courts to determine the precise nature of their rights if disputes should arise.

§ To Oude, No. 62, dated 18 May 1863.

To this call the Chief Commissioner has never replied. In the meantime the subject has attracted the notice of the Secretary of State, who || has called for an early report, and draws attention to an earlier Despatch, No. 105, dated 17th August 1861, on the same subject. In this Despatch of August 1861, which reviewed the Oude Administration Report of 1859-60, but which seems never to have been communicated to the Chief Commissioner, the Secretary of State objected ¶ to talookdars having revenue jurisdiction in cases in which they are personally interested, and gave his opinion that all such cases ought to be reserved for the decision of European officers.

|| Despatch, No. 12, dated 9 June 1863.

¶ Paragraph 8.

Assessment.—The assessment to be made at the regular settlement was to be fair and liberal. After the gross rental had been fairly and liberally settled, half was to be taken as the Government jumma, and as few abatements as possible were to be made from that sum. No enhancement of revenue was to be made

on account of culturable waste which might possibly be brought under the plough during the period of the settlement, and the assessment was not to be based on the most valuable crops that the land was capable of producing, but on ordinary grain crops.

From the remaining 50 per cent. of the gross rental $1\frac{1}{2}$ per cent. were to be taken as cesses, raising the entire Government demand to $51\frac{1}{2}$ per cent. ;* and then the share of the remainder to be taken respectively by the talookdars and the intermediate holders was to be fixed in accordance with former custom, and on a fair consideration of the rights of all parties, so that the talookdars should not be able to exact a larger share of rent from the subordinate holder than they were entitled to. The smallest sum to be paid by the subordinate holder over and above the Government demand was five per cent., and in rare cases, in which the sum allotted to the talookdars might not be sufficient, permission was given to abate somewhat of the Government demand.

* Government land revenue -	- 50	p. 'ct.
Road fund -	- $\frac{1}{2}$	"
School fund -	- $\frac{1}{2}$	"
District post -	- $\frac{1}{2}$	"
Margin -	- $\frac{1}{2}$	"
Total -	- $51\frac{1}{2}$	p. 'ct. of gross rental.

† To Oude, No. 118, dated 5 Mar. 1862.

Duration of Settlement.—The regular settlement † was not to be for a period of less than 30 years in any district. The Chief Commissioner had proposed 20 years, and 30 years in Baraitch, Gonda, and Mohumdee. But in fixing a period of 30 years, the Governor General in Council called for a report on the fitness of Oude for a permanent settlement. This report was furnished in Mr. Yule's letter, No. 1040, dated 9th April 1862, on which no orders have yet been passed.

Mr. Yule's proposals were the following :—

1st. That there should be a permanent settlement in the seven districts of Lucknow, Oonao, Durriabad, Fyzabad, Sultanpore, Pertabghur, and Roy Bareilly, provided the survey and settlement returns should show that not more than one-eighth of the area of each is culturable waste.

2d. That there should be a temporary 30 years' settlement in the other districts, with permission to grant a permanent settlement to such estates as should not have more than one-eighth of the culturable area waste.

3d. To permit progressive jummas ending in a permanently fixed demand.

4th. To declare distinctly that the amount of net demand once assessed under a periodical settlement, is not to be raised at any succeeding settlement on any plea whatever.

In his letter, No. 2956, dated 19th November 1862, Mr. Yule resumed the question with reference to the opinion of the Secretary of State that a permanent settlement should be preceded by a temporary settlement. Mr. Yule was of opinion that in many parts of Oude such a preparatory settlement is unnecessary, but if insisted on, it should not be for a shorter period than 30 years. His opinion is summed up in the following quotation :—

"If, then, Oude is to have a temporary preparatory to a permanent settlement, the Officiating Chief Commissioner would earnestly urge that the period be not less than 30 years, as has been already directed by the late Governor General, and that no hope whatever be held out of its being intermediately revised and made permanent. But the Officiating Chief Commissioner by no means recommends an immediate temporary in lieu of a permanent settlement. He has stated his reasons at length in No. 1040, of the 9th April last, and he will only add here that, in his opinion, to settle the province temporarily for 30 years in order to avoid the possibility of a somewhat too high assessment on some estates, is to postpone an enormous and undoubted benefit to all with the view to avoid the possibility of injury to a few. He is convinced that few, indeed, would suffer from over assessment, because, first, our rate of assessment of revenue is low, being half assets only ; second, the tendency now is rather in favour of mild than heavy valuation of assets ; third, we know the amount of revenue which estates now fit in the Officiating Chief Commissioner's opinion for permanent settlement (*see* letter just quoted) have paid for many years past under a Government very unfavourable to freedom of traffic and accumulation of capital among those connected with the soil ; fourth, we have a body of large landed, not petty village, proprietors carefully watching our settlement proceedings, and quite prepared to point out what they deem harsh. Lastly, a permanent settlement by its own action tends to remedy its own inequalities when they are not excessive at first, and the Officiating Chief Commissioner has assigned some reasons for believing that they will not be so."

‡ From Oude, No. 484, dated 23 Feb. 1863.

Mr. Wingfield, however, is of opinion ‡ that until the survey and settlement are complete, no decision can be given regarding a permanent settlement. He says that his views differ somewhat from those of Mr. Yule, and he promises to report on the subject hereafter.

Limitation

Limitation of Settlement Investigations.—It has already been noted that the intention of Government in adopting the talookdaree system of settlement was to restore the status of things as it existed at the time of annexation in 1856. The limitation of inquiry to 1855 is distinctly insisted on in the code of instructions* to officers employed in the regular settlement.

* Proceedings,
March 1862, Nos.
7 to 13.

“The rule,” it is there stated, “on which we must take our stand for determining the amount payable to the talookdar by the under-proprietors, or persons holding an intermediate interest between him and the ryot, is to maintain the rights they were found possessed of in 1855, or just before the annexation of the province, and no others; or we shall in part be repeating the errors of 1857, and reviving extinct rights as much to the disgust of the intermediate holders in possession as of the talookdars. Rights conceded by the talookdars subsequent to the above date will, however, as it is almost unnecessary to observe, be maintained. It would be better, indeed, to take the *status quo* in the Fuslee years 1262–63, corresponding with the English years 1854–55, as the basis for the determination of these rights, because a general settlement of the land revenue of Oude was made during those years, and at the same time arrangements were entered into between the talookdars and the intermediate holders which are known to have been favourable to the latter as regards the recognition of their rights, for it was the object of the talookdars, who were then nearly all in a state of chronic rebellion to the Government, to conciliate them and command their services in the field. The terms then concluded gave satisfaction to the under-proprietors, who, in disputed cases, appeal to them always, and they have formed the basis on which pottahs have been given for the past two years. Both parties will cheerfully abide by them now, and they should be adhered to with such deviation as circumstances in any case may render necessary, and which will be adverted to hereafter.”

The principle of the settlement being that only subordinate rights existing in 1855, or subsequently conceded, were to be recognised, no claim was to be heard † to any intermediate interests in the soil which were lost prior to 1855; this, however, referred only to talookdaree estates. With zemindars and others who were not talookdars, the grant of the proprietary right had never been declared final; therefore, with regard to them, it was resolved ‡ that the limit of hearing claims should be 12 years, to be computed back from the date of the summary settlement if the claim was made then, and if not, from any subsequent date on which it was preferred. Possession given at annexation was not to bar adverse claims.

† Paragraph 13 of
Instructions.

‡ Paragraph 29 of
Instructions.

In paragraph 9 of his Despatch, No. 105, dated 17th August 1861, however, the Secretary of State remarks that the definition of the rights of the subordinate holders is based too exclusively upon the status of 1855, which was a period of misrule and disorder.

Limitation of Suits to alter Settlement Record.—This subject is discussed in the Chief Commissioner's letter, No. 1701, dated 13th June 1863, on which no orders have yet been passed. Settlement officers have been instructed not only to receive claims to subordinate proprietary rights, as distinguished from a mere right to cultivate at a low rate, but carefully to search them out. But, however careful the settlement officers may be, many claims will, of necessity, be overlooked, or not urged at the time of settlement; and it is necessary, in order to give security of tenure, to prescribe some definite period after settlement within which such claims can be brought.

Mr. Wingfield proposes to follow the spirit of Act XIII. of 1848, which limited the institution of suits to set aside the decision of settlement officers to three years from the date on which the decision was given; and for the term of three years he would bar the action of the civil courts in all suits whatever relating to land. To secure this, Mr. Wingfield proposes certain amendments (*see* paragraphs 9 to 15 of his letter) in the Talookdaree Bill.

Succession to Talookdaree Estates.—In 1860 there was a great deal of correspondence with the Chief Commissioner on the subject of the succession to talookas in Oude. It is unnecessary to enter into the argumentative portion of that correspondence; it will be sufficient briefly to state the results. The sunnuds given to the talookdars, conferred on them, as already stated, a permanent hereditary and transferable proprietary right in the soil. Mr. Wingfield was of opinion that, if the talookdars were allowed an unlimited right to dispose of their estates, the landed aristocracy would soon be effaced from the country. He insisted strongly on the necessity for introducing generally the law of primogeniture, which already, by custom, governed the succession of about 40 families in which there was a guddee, and of qualifying the right of bequest by adding the words “provided that such disposition be not opposed to Hindoo or Mahomedan

law or custom." Lord Canning, however, while fully aware of the advantage of adopting the law of primogeniture, refused altogether to restrict in any way the freedom which had been given to talookdars to dispose of their estates as they might please. The following propositions may be said to contain the results of the correspondence, and to be confirmed by the decisions * since given in the cases of the Shumspore and Dunda Kutch talookas :—

* To Oude, No. 5549, dated 16 Nov. 1860; to Oude, No. 568, dated 3 Sept. 1863.

1st. Primogeniture was to prevail in all estates in which there was a guddee, about 40 in number.

2d. Primogeniture was to prevail in the following cases where there was no guddee :—

(a.) If the talookdar died intestate.

(b.) If the talookdar elected to give up his first sunnud and accept another in which the condition of primogeniture was inserted.

3d. The application of the law of primogeniture in all the above cases was limited by the power possessed by talookdars to alienate their lands in whole, or in part, by gift, sale, mortgage, or bequest.

In reviewing this correspondence the Secretary of State observed as follows :—

"Another very important matter affecting the status of the landed aristocracy of the country, is the question of primogeniture. A difference of opinion appears to have arisen upon this point between the Chief Commissioner and your Excellency's Government. As to the soundness of the principle, so far as its tendency is to maintain the position of the landed proprietors by preserving the integrity of their estates, there was no diversity of sentiment. But whilst your Government were inclined to limit its application to intestate estates, and to give the proprietor full right to dispose of his lands, in whole or in part, to whomsoever he might wish, by gift, mortgage, or bequest, the Chief Commissioner desired to restrict that right, not by imposing any new limitations, but by those already enforced by Hindoo and Mahomedan law, and by our civil courts.

"I do not perceive why, on grounds either of justice or of policy, your Excellency's Government desire to give the talookdars a more absolute control over their estates than would have been the case if they had inherited them from their ancestors. In such cases the estates would have been subject to the prescribed conditions of such property, and could not have been disposed of in the unrestricted manner in which the proprietors are now declared by you to be competent to give or bequeath them to whomsoever they please. And when I consider the effects of Zenana influence, the frequency of family dissensions, and the general tendency to intrigue amongst these people, it appears to me that this latitude of disposal, against which the Chief Commissioner has respectfully protested, may prove an obstacle to the accomplishment of the object which you most desire to realise—the preservation of property in the hands of the lineal representatives of the great families of Oude."

One of the last of Lord Canning's acts was to introduce a Bill to provide for the succession to talookdaree estates. On 10th June 1862 the draft Bill was sent to the Chief Commissioner, who was authorised to consult some of his subordinates and the talookdars, and submit any remarks not affecting the principle of the Bill. There are two letters from Mr. Wingfield on this subject, neither of which has been answered, viz. :—

No. 3168, dated 22d December 1862.

No. 2357, dated 13th August 1863.

On this subject the secretary's note marked A. should be read.

Waste Lands.—It is unnecessary to burden this precis with the correspondence relating to waste lands prior to the receipt of the Revenue Despatch of the Secretary of State, No. 14, dated 15th August 1862, which reversed Lord Canning's Resolution of 17th October 1861. If information on the subject be wanted, it will be found in the correspondence noted in the margin.

From Oude, No. 516, dated 10 Feb. 1860.
To " 1049, " 10 Mar. "
From " 1492, " 19 Apr. "
To " 1604, " 30 " "
From " 34, " 3 Jan. 1862.
To " 27, " 18 " "

The Despatch of the Secretary of State was sent to the Chief Commissioner on 30th August 1862, and a call was made, first, for proposed rules to regulate the sale of waste lands in accordance with the views of the Secretary of State; and, second, for a return of the arrangements completed under the Resolution of 17th October 1861. The latter return was furnished with the Chief Commissioner's letter, No. 2993, dated 21st November 1863, and was sent to the Home Department on 11th December. The rules for the sale of waste lands were submitted with Chief Commissioner's letter, No. 484, dated 23d February 1863; no orders have yet been passed on them,

them, but it is to be noted that they have been issued by the Chief Commissioner on his own authority, and without obtaining the sanction of Government.

Redemption of Land Revenue and Cesses.—The Government of India in the Home Department ruled that in redeeming the land revenue under the rules of 17th October 1861, the road and educational cesses should not be redeemed, but should continue to be paid separately. Mr. Yule, however, considered* this ruling inapplicable in Oude, where the cesses are all included in one sum with the land revenue, viz., 51½ per cent. on the gross rental; he strongly argued that in redeeming the land revenue, the cesses also should be redeemed; and in his letter, No. 1149, dated 19th April 1862, he submitted for approval a circular containing draft rules for the redemption of land revenue in estates summarily settled, and promising a further report applicable to estates regularly settled. In the meantime the orders of the Secretary of State on the general question were received and sent to Mr. Yule, who was told to submit a general report; this he did in his letter, No. 2956, dated 19th November 1862, on which no orders have yet been passed.

* From Oude, No. 1027, dated 8 Apr. 1862.

As regards the mode of redeeming the land revenue, Mr. Yule was of opinion that the Despatch of the Secretary of State had reduced the question to very narrow limits. For the present, owing to the summary way in which the temporary settlement was made, neither the exact area and assets of estates being known, nor the distribution of the assessment made on any regular principle, redemption of assessment on any portion of an estate could not, in Mr. Yule's opinion, be effected; but, on the completion of a regular settlement, whether temporary or permanent, it becomes easy to determine the reduction to be made in the Government jumma of any portion of a zemindaree estate the assessment on which it is desired to redeem under paragraph 26 of the Secretary of State's Despatch. The amount to be reduced would be the same fraction of the Government jumma as the area of the portion of the estate (or the assets) is of the whole; and 20 years' purchase of this amount, at the current market value of Government 5 per cent. stock, would, in Mr. Yule's opinion, be a fair price.

Besides portions of zemindaree estates, the only other lands on which the redemption of the revenue is allowable under the terms of the Despatch are lands required for dwelling-houses, factories, gardens, plantations, and other similar purposes. Mr. Yule considered that the word "plantations" required definition, as some plantations cover large portions of estates; he therefore proposed to restrict the power of redemption to a certain fixed area, or per-centage of area, in each estate or village, in order to prevent landlords from redeeming the best portions only, and leaving the worst to be sold for arrears of revenue, or perhaps thrown on Government. He also proposed to allow a plantation to be separated into a distinct estate of itself, the assessment on which could be met by a deposit of Government paper, yielding interest equal to the revenue.

As regards the redemption of cesses, Mr. Yule considered the arguments for their redemption along with the land revenue to be stronger under the Secretary of State's Despatch than before. If the cesses continue, one great advantage of redemption of land revenue, viz., freedom from interference of tax-gatherers, will be lost; and it would not do to make the unredeemed portion of the estate liable for the cesses on the redeemed portion, as that would be a violation of the just principle of assessment by which every fraction of land is liable for its own quota of revenue in proportion to its assets, and no more.

As yet, no land in Oude has been redeemed, and Mr. Wingfield entirely concurs† in Mr. Yule's opinion; first, that, until the settlement is complete, it would be inexpedient to allow the redemption of revenue on specific portions of an estate; and, second, that the word plantations requires definition.

† From Oude, No. 484, dated 23 Feb. 1863.

Jurisdiction of Civil Courts.—In Oude there is no separate financial commissioner; the duties are performed‡ by the Chief Commissioner, who is the highest court of appeal in revenue cases. The Chief Commissioner, however, suggested in 1860 that, when the regular settlement was effected, all suits for land, except claims to great talookas, might be heard in the civil courts. Government§ agreed that for the present suits for land should continue to be heard in the revenue courts, and that the question of their transfer to the civil courts should be reserved till the completion of the settlement.

‡ To Oude, No. 3502, dated 6 Oct. 1858.

§ To Oude, No. 5114, dated 31 Oct. 1860.

But on 20th January 1862 (No. 257), the Officiating Chief Commissioner

(Mr. Yule) forwarded for orders some correspondence which had taken place with the Judicial Commissioner (Mr. Campbell) on this subject. The Judicial Commissioner argued that, as Act VIII. of 1859, which had been extended to Oude, contained many specific provisions relating to suits for land, all such suits should be heard in the civil courts. The Law Member of Council (Mr. Ritchie) was of opinion that it was impossible to say with any certainty whether appeals lay to the Judicial Commissioner or the Chief Commissioner, and he suggested that the matter should be settled by legislation. The necessary communication* was therefore made to the Legislative Department with a view to legal provision being distinctly made for the disposal of all such cases by the revenue authorities, but with power to the Executive Government to transfer them at any future time to the civil courts should such a course be considered expedient.

In his Despatch, No. 12, dated 9th June 1863, the Secretary of State has called for a report of the proceedings of Government in this matter.

It has been ruled,† however, that lands in the city and cantonments of Lucknow, in which the claim to land is generally only ancillary to a claim to valuable property built on it, do not fall under the above construction, which applies only to mehals or portions of mehals paying revenue or specially exempted from revenue payments, and the Legislature have been asked to make the necessary alterations in sections 17-19 of the Talookdaree Bill to provide for this.

The above memorandum indicates all the questions relating to the settlement operations in Oude which were pending before Lord Elgin at the time of his death, on which as yet no orders have been passed by the Government of India. The subjects requiring orders, and the letters discussing them, are here noted for convenience of reference :—

1.—*Rights of Cultivators.*

To Oude, No. 62, dated 18th May 1863.

From Secretary of State, No. 12, dated 9th June 1863.

2.—*Permanent Settlement.*

From Oude, No. 1040, dated 9th April 1862.

From Oude, No. 2956, dated 19th November 1862.

From Oude, No. 484, dated 23d February 1863.

3.—*Limitation of Suits to alter Settlement Record.*

From Oude, No. 1701, dated 13th June 1863.

4.—*Talookdaree Bill.*

From Secretary of State, No. 105, dated 17th August 1861, paragraphs 10, 11.

From Oude, No. 3168, dated 22d December 1862.

From Oude, No. 2357, dated 13th August 1863.

Secretary's note, marked A.

From Oude, No. 1701, dated 13th June 1863, paragraphs 9-15.

5.—*Waste Land Rules.*

From Oude, No. 484, dated 23d February 1863.

6.—*Redemption of Land Revenue and Cesses.*

From Oude, No. 2956, dated 19th November 1862.

From Oude, No. 484, dated 23d February 1863.

7.—*Jurisdiction of Civil Courts.*

From Secretary of State, No. 12, dated 9th June 1863.

Calcutta,
22 March 1864.

(signed) C. U. Aitchison.

OUDE REVENUE SYSTEM.

(Continuation of "Précis.")

THE Chief Commissioner has been informed that the questions of the Talookdaree Bill, Waste Lands, and the Redemption of the Land Revenue will be disposed of separately, and that the Governor General in Council concurs in his opinion that the consideration of the question of permanent settlement should be postponed till the survey and settlement are completed. There remain the questions of proprietary rights and tenant right.

On 7th February last the Governor General in Council caused a letter to be addressed to the Chief Commissioner, Oude, in which, after quoting from the Despatches* of the Secretary of State, referred to in the former *précis*, he observed that the instructions to respect the subordinate rights in talookdaree estates embraced all rights whatever under those of the talookdar, whether they are those of former proprietors or hereditary tenants, holding their lands on fixed rents or on rents more advantageous in their character than those of tenants at will, or whether they are tenants with the simple right of occupancy. From certain passages in the Settlement Reports, the Governor General in Council concluded that the settlement in Oude was being conducted on the principle of recognising no proprietary rights which were not enjoyed as late as the year 1855, and of not recognising hereditary tenant rights at all; and he observed that this was at variance with the instructions of the Secretary of State, and contrary to sound policy.

Under-Proprietary Rights.—With regard to the under-proprietary rights, the Governor General in Council desired to know upon what base and under what authority the inquiry was limited to the year 1855. Mr. Wingfield's reply is furnished in his letter, No. 635 c, dated 2d March; he says, the authority for limiting the inquiry to the *status* of things at annexation, *i. e.*, to the year 1855, is the Government Letter†, No. 23, dated 19th October 1859, and the letter‡, No. 74, dated 8th January 1861; and Mr. Wingfield argues that the settlement instructions, which were approved by Government in the latter letter, have the force of law under the India Council's Act. He says, further, that these instructions were placed by him in the hands of the Secretary of State, and he never till now heard of any objection being taken to them. He deprecates any departure now from a principle which has been acted on for three years.

Tenant Right.—On the subject of tenant right, the Governor General in Council inquired whether, apart from the question whether rights of occupancy imply a right to a fixed rate of rent, any measures have been taken for the recording of such rights; and whether they are protected otherwise than by the jurisdiction of the courts; and whether settlement officers have been directed not to make inquiries with a view to the record of this class of rights.

Paragraphs 6 to 10 of the letter, No. 635, dated 2d March, and the separate Report, No. 932, dated 26th March, discuss this question.

From the Reports submitted, it appears that, however much the settlement officers may differ in opinion in other points, there is a general concurrence among them that, as a matter of fact, certain classes have, *cæteris paribus*, a preferential right to occupy and cultivate certain fields. Thus, Mr. Simson, Commissioner of Fyzabad, says,§ "There are, undoubtedly, many cultivators to be found in every district of his division, whose families have cultivated the same fields for generations, and who have a preferential right to continue to cultivate these fields before other tenants. So also Mr. Tucker states,|| that in the Baiswara division there are many such claims based on old possession, and unsupported by any documents; and in determining these he suggests that the settlement officers should be guided by the custom of the *pergunnah*. This is admitted, in fact, by almost every officer; and Mr. Currie and Mr. Wingfield too admit, what indeed, is only natural, that not only tenants prefer to deal with old landlords, but that landlords prefer to have old tenants, and that therefore, as a matter of fact, old possession does give a preferential claim. The real dispute is as to the conditions which this preference implies or brings with it.

To Oude, No. 65, dated 7 Feb. 1864.
From " 635, " 2 Mar. "
" " 932, " 26 " "

* No. 33, dated
24 April 1860;
No. 105, dated
17 Aug. 1861.

† See page 4 of
former *précis*.
‡ pp. 13, 14 of
former *précis*.

§ 1 October 1863.

|| 31 October 1862.

It is also generally admitted that the right of preferential occupation is usually of an indefinite kind. Mr. Simson says,* that it was not regulated by any law or fixed custom. Mr. Young, the Assistant Commissioner in charge of Fyzabad, who, however, is new to the Province, holds† that the right never took a definite shape; and that there is nothing to show that it was ever respected when it suited the interest of the zemindar, or even the temporary thekadar, to oust the tenant. Public opinion in the Province, it is argued,‡ is very strong against the ejection of these old tenants; and this is their chief safeguard. The opinions of other settlement officers are much to the same effect; thus, Captain MacAndrew, settlement officer in Roy Bareilly, says that in his district a landlord could always turn out a tenant if he pleased, but he seldom did so.

That certain classes in Oude not only have preferential claims to occupancy, but actually cultivate at low rents, is also undoubted; and it is admitted that these low rents arose out of the circumstances of the country long prior to the annexation; but the question on which there is real difference of opinion is, whether these low or favourable rents are claimable as a right, or are a mere favour, which can be taken away at the will of the landlord; in other words, is there a class of non-proprietary cultivators who have a right to cultivate their lands at a fixed rent?

Now, as a matter of fact, the Commissioner of the Fyzabad Division states,§ that in appeals which have come before him tenants have pleaded ancient possession not only as a bar against ouster, but as a bar against enhancement of rent. The Assistant Commissioner of Fyzabad has remarked|| the same thing in summary suits in his district. On the other hand, there has not been a single application to any of the settlement or district officers in the following districts on the part of cultivators to have their rents fixed or their occupancy rights recorded:—

Pertabghur (Mr. King).
Oonao (Mr. Clifford).
Roy Bareilly (Major MacAndrew).
Duriabad (Lieutenant Chamier).

Fyzabad (Mr. Carnegie).
Sultanpore (Captain Perkins).
Baraitch (Mr. Anderson).

It does not, however, follow that the reason why such applications have not been made is because the people have no claims to prefer; on the contrary, more than one officer states pretty plainly that the absence of applications is owing to the instructions which have been issued not to record occupancy rights, and that if a hint were given that such claims would be investigated and recorded, they would be brought forward in numbers. Thus Major MacAndrew,¶ in Roy Bareilly, and Mr. Clifford in Oonao.** In one district, Lucknow, complaints were made†† of ejection from hereditary fields, but they were discouraged in consequence of the instructions not to record mere rights of occupancy, although the complainants seemed to consider that from long occupancy they had acquired a claim to cultivate such fields in preference to others; but in these cases, in the Lucknow district, there was no question of rent.

The principal grounds on which favourable rates appear to be enjoyed are the following:—1st, former proprietary right in the land; 2d, relationship to the superior proprietor either by virtue of descent from some common ancestor in old times, or from nearer relationship; 3d, caste and service, as in the case of Brahmins and Rajpoot.

In the Oonao district‡‡ there are many mokuddums or head cultivators, whose claim to occupancy involves more or less the claim to under-proprietary right; and Mr. Clifford states that, if the claim to proprietary right were not involved, the zemindars would not raise any objection to the record of the mokuddum's right of occupancy. These mokuddums claim that their old possession entitles them not only to a preferential occupation, but to easy rates, generally seer rates, or to have a deduction made in the shape of nankar from their rent. Mr. Clifford is evidently in favour of recognising and recording this claim to hold at easy rates; for in his letter of 1st August 1863, he distinctly asks whether the settlement officer is not to take notice of such claims where privileges have been long enjoyed under various proprietors of the village. At the same time Mr. Clifford remarks, that while the privileges of these mokuddums are heritable, they are not transferable, and as the privileges are derived solely from service, the zemindar has the right to select the fittest person for service, and therefore has indirect right of abolishing the privileges. So also Lieutenant Chamier says,§§ that in his district (Duriabad) claims to hold at fixed rents are based either

* 1 October 1863.

† 29 Sept. 1863.

‡ Mr. Simson's letter of 12 Oct. 1863.

§ Letter of 1 Oct. 1863, para. 7.

|| Letter of 29 September 1863.

¶ Letter dated 30 July 1863.

** Letter, dated 27 July 1863.

†† Mr. Capper's letter, dated 18 Aug. 1863.

Lieut. Boulderson's letter, dated 9 Oct. 1863.

‡‡ Mr. Clifford's letter of 27 July 1863.

§§ 10 August 1863.

either on old proprietary interest or on special grounds. Mr. Carnegy also admits that certain old occupants have better terms than tenants-at-will; and asserts* that the low rent is only a service remission, which is respected in proportion to the time it has existed, and which can at any time be resumed. The settlement officer of Sultanpore, Mr. Oldham, who is new to the Province, records† not so much what actually exists as what he would expect to find existing; and he argues, that if cultivators have long held at favourable rates, the tenure, being adverse to the interests of the zemindar, must be presumed to have been against the will of the zemindar, and therefore to be not a favour, but a right. He cannot say whether such cases are numerous, but he would expect to find them among the descendants of those who first reclaimed the soil, or who were long ago ousted from their proprietary right.

* Dated 4 August 1863.

† 18 Sept. 1863.

Clanship, however, appears to have been the most general ground on which favourable terms were granted. Not only was the talookdar prompted by ties of blood to give easy terms to his relations, but motives of self-interest obliged him to conciliate the favour of those to whose arms he had to trust for the protection of his estates. Self-interest of itself prevented the talookdar from taking full rent in such cases, and from various reasons, affection or service, privileges were given to clansmen or fighting men, who were tenants. Mr. Tucker states‡ that Rajpoots always have paid lower rents than others, and never were disturbed unless they quarrelled with the landlord. Major MacAndrew maintains§ that the only classes who have enjoyed preferential rates are Brahmins, Rajpoots, and those who hold in virtue of old proprietary claims; all others appear to have paid full rates.

‡ 28 Oct. 1863.

§ 31 July 1863.

The security afforded by British rule, however, is destroying|| the mutual dependence between chieftain and clan; and the self-interest of the landlord now, instead of being directed to the conciliation of his tenants, as formerly, is naturally directed to the increase of his rental. These Rajpoot clansmen have no opportunity of making up by service for the increased rents. Moreover, they do not themselves plough, and the wages of ploughmen are rising. Thus the candle is being consumed at both ends, and in Mr. Tucker's opinion, unless the power of the talookdar to raise the rents be checked, there will arise very serious evil and much increase of crime from the annihilation of the privileges which have been enjoyed by the Rajpoot clansmen for ages: these privileges are not usually secured by written documents. The clansmen trusted to the honour of the chiefs for the preservation of them. Mr. Tucker would, therefore, continue in perpetuity all such privileges as have been enjoyed for 60 years, and for the life of the incumbent such as have been enjoyed for 20 years; and if thought necessary, he would attach to these privileges the condition of service in the militia when required.

|| Mr. Simson's letter of 1 Oct. 1863. Mr. Tucker's, dated 31 Oct. 1862 and 28 Oct. 1863.

Mr. King, also settlement officer in Pertabghur, while admitting¶ that there is no class of cultivators with a right of occupancy at fixed rates, argues** strongly in behalf of the expediency of recognising some middle class between the under-proprietor and the tenant-at-will. The present system of settlement, he argues, will create an entire revolution in landed property in Oude; it makes the talookdar the owner of much that was debatable before; it gives the talookdar the benefit of all doubts, and will produce much suffering to the present generation, however beneficial it may be hereafter to the progress of the Province. He would, therefore, do all he can to save for the lives of the present generation at least all intermediate claims between those of tenant-at-will and under-proprietor.

¶ Dated 28 July 1863.

** Dated 9 Oct. 1862.

The officers, however, generally report that this long holding at favourable rates does not bar the right of the landholder to raise the rent. See

Captain Perkin's letter, dated 24th August 1863.

Captain Thompson's letter, dated 25th October 1863.

Mr. Kavanagh's letter, dated 17th September 1863.

Mr. Anderson's letter, dated 24th September 1863.

The argument is, that these lower rates were given in consideration of service, and could be revoked when the service was dispensed with. This is Mr. Currie's argument in his letter of 22d August 1863, and in his minute. It is also Mr. Wingfield's in paragraphs 11, 12 of his Report 932, dated 26th March, where he argues that when the service ceases the remuneration should cease, and the talookdar should have power to raise the rent just as Government claims

the right to resume rent-free or other tenures given for service when the necessity for the service ceases.

* 18 August 1863.

Mr. Capper, Deputy Commissioner of Lucknow, maintains* that there is a class of cultivators, descendants chiefly of the original settlers before the obliteration of their proprietary rights by the Rajpoot invasions, who have cottier rights of cultivation, and that if these rights be left unrecorded, it will doubtless be considered an injustice in native opinion, and will result in wrenching the cultivators from the soil to which they cling most tenaciously. Mr. Currie, however, argues† that these Chupperbund Assamees did not differ from other cultivators; that it was an object to get them to remain on the soil, but that so long as they chose to remain their rent was liable to annual adjustment.

† 22 August 1863.

Mr. Carnaby, Settlement Officer of Fyzabad, maintains‡ as another ground for granting favourable rates, the fact that during long possession the cultivators have sunk wells or tanks, and made other improvements; but the Chief Commissioner argues§ that although no doubt this gives a claim to consideration, yet it conveys no right to occupy land permanently, unless there be an agreement to that effect. To rule otherwise, he holds, would be to tempt the landlord to interdict all improvements.

‡ 4 August 1863.

§ 932, dated 26 March, para. 14.

|| Mr. Glynn, Officiating Deputy Commissioner, Gonda, dated 21 Sept. 1863.

While, therefore, there appears to be a general concurrence of opinion as to the existence of a right of occupancy, although an indefinite and vague right, there seems to be only one district officer|| who denies that such a state of things is native to Oude, and asserts that the right of occupancy is entirely a creation of our own, and that until the British Government created the distinction there was no difference between the treatment of a tenant of one year's standing and a tenant of 50 years, or between tenants of any class, except on the score of good service. This opinion, however, is concurred in by Mr. Currie and Mr. Wingfield. Mr. Currie, indeed, tries to prove in his minute that there are not only in Oude, but in the North-Western Provinces and the Punjab, no non-proprietary cultivators possessed of a tenure heritable, but not transferable. But there can be no doubt that the facts brought forward by the local officers completely confute this view. Mr. Currie's argument is, that the descendants of the old ousted proprietors who now cultivate the soil are rather under-proprietors than cultivators, while the clansmen and others who do not actually till, but merely enjoy privileges, are middlemen and not cultivators; and that these privileges have been unhesitatingly withdrawn by the zemindars when the service for which they were granted ceased. He then goes on to argue that even if hereditary rights of cultivation existed they would be useless, unless they carried with them the right to cultivate at fixed rates, and that, therefore, they are not worth recording, nay, that it would be mischievous to record them. If the rents are not fixed, then, he argues, the landlord has claim to an equitable rent, i.e., the rent which a cultivator will *bonâ fide* give for the land, in other words, to market rates; and this right to equitable rent is not barred by any lapse of time.

Mr. Wingfield, while concurring with Mr. Currie, goes even further, and retracts the admission which he formerly made of an indefinite right of occupancy. He holds that a right of occupancy in non-proprietary cultivators has never existed in Oude either in theory or practice; that the stationary character of rents in Oude was owing to the want of communication and good markets, and the stagnation of industry arising from bad government; in short, to the want of competition for land: that as the right of occupancy did not formerly exist, it would be a breach of good faith to confer it now, because it could only be conferred at the expense of the talookdars, who have been guaranteed the possession of all that they formerly enjoyed. He admits that his former proposal, to leave the decision of such claims to the district courts, was inconsistent and impracticable, and he now proposes to limit the action of the courts to the trial of breaches of contract and leases and complaints of ouster during the agricultural year.

Having disposed of the question of fact, Mr. Wingfield then proceeds to show the inexpediency of recognising rights of cultivation at fixed rates; but into this part of his letter it is unnecessary to follow him, inasmuch as apart from the question of fact there is no dispute.

Letter from the Commissioner of Baiswara, 21 Nov. 1861.

The Jumabundee.—According to paragraphs 20–23 of the Settlement Circular No. 1, the jumabundee is to be made by the putwaree, who is to enter facts as they

they exist. The document, when made, is to be tested by rehearsal in the village, and the settlement officer is to satisfy himself that this has been done, and that the jumabundee is a real record of the existing state of the village rent-roll. This done, all the receivers of rent are to give pottahs to their tenants in conformity with the entries of the jumabundee.

Two points in these paragraphs attracted notice :—

1st. That the putwaree was to enter the facts as they exist.

2d. That landlords were to give pottahs to their tenants in conformity with the entries in the jumabundee.

Mr. King, the settlement officer in the Pertabghur district, raised the question of whether this jumabundee was ordered as a check against the collusive lowering of rents, or simply for the protection of cultivators. If the latter were the object in view, then the order might be regarded as simply indicating to the settlement officer the suitable moment on which to insist upon the delivery of the pottahs.

In further explanation of his meaning, Mr. King says, that the primary object of a jumabundee is apparently to furnish one source of information to the settlement officer as regards the value of land property, inasmuch as the facts as they exist are to be recorded; but when this jumabundee has been tested and approved by the settlement officer, then it acquires another character, inasmuch as pottahs are to be given in conformity with its entries.

Mr. King, however, considered that the time indicated, namely, the moment when the settlement officer had tested and approved the jumabundee, was not the right time for requiring lessors and lessees to make their engagements, inasmuch as such engagements would be superseded by new pottahs, rendered necessary by the revision and probable increase of the Government demand.

Mr. King then proceeds to argue that such a jumabundee, to be superseded by another jumabundee at the close of settlement operations, would be useless. He says, "that with the talookdaree system the diminution of the importance of putwarees, the record in the two latter columns of the khutoonee, the order for the enforcement of delivery of pottahs, the non-recognition of cultivating rights, and the general spirit of our settlement instructions, a jumabundee of this kind is not wanted in Oude." He urges that Government must now trust to the arrangements made by the settlements officers until the completion of the term of settlement. If pottahs are to be enforced, the lessee will not require a jumabundee; whilst the demands of landlords will be limited in the case of under-proprietors by the recorded sub-rights, and in the case of other tenants by the inexpediency of driving away agriculturists. Zemindaree and Bhyachara villages will have their khewuts as a record of their shares. The jumabundee could only be useful as a convenient record on one document of the summaries of all the pottahs of a village.

Mr. St. George Tucker, the Commissioner of Baiswara, observed that jumabundees were apparently not required, as they can never be a sure guide, neither can they be depended on for the purpose of ascertaining the fair rates.

The Chief Commissioner in like manner considered that there was a great deal of truth in Mr. King's remarks. He says that the jumabundee "can be considered only as a convenient record of the entire rent engagements of the cultivators of a village, and as a standard of reference as to the amounts of these engagements at the time when it was prepared, and thus it will incidentally show how far the settlement officer's assessment agreed with the actual rental of the village; but it is not a guide to the assessment, nor does it show how the amount of assessment was arrived at, though it may explain some points; and most assuredly it is not a record of rates to be conformed to by landlord and tenant, for no such record can exist in accordance with that great principle in our settlement, that cultivators, merely as such, have no rights in the land, arising from occupancy only, beyond that of occupation at fair rates of rent."

From this it will be seen "that a jumabundee may be prepared at any time most convenient during settlement. It ought to be tested, and the zemindars desired to give pottahs according to it, but the period of the pottah is at their discretion; it may be for one year, or for more, and when it expires the zemindar can renew at the former or higher rates according to the arrangements he makes with the tenant. If a dispute on the subject is brought into court, then the jumabundee may be useful so far as to show the prevailing rates of land of the same quality and under the same general circumstances, and thus enable the officer trying the case to approximate to fair rates; but it can by no means be

Letter from Chief
Commissioner to
Commissioner of
Baiswara, 10 Dec.
1861.

considered as ruling the rates which are to be inflexibly adhered to, for the lands of a village may have been hitherto assessed at a lower than the fair rate for any one of many reasons, or their value may hereafter increase for as many more, and the landlord is entitled to a share in that increase, unless his right has been fettered for a time, or permanently by himself or his predecessors."

Letter from Commissioner of Baiswara, 19 March 1862.

Subsequently Mr. King submitted his opinion, that the recording of tenant rights in land in the khusrahs, the khuteonees, and the jumabundees was not only ill suited to Oude, but absolutely mischievous. Similar entries had been recorded in the North-Western Provinces, because they represented rights which that Government laboured to define and intended to recognise and maintain in its law courts. But in Oude it was intended to ignore all rights claimed by cultivators not acquired by agreement with a landholder, and therefore the recording of such rights tended to create delusive hopes in the cultivators that their interests were thereby secured. Moreover, Mr. King urged that this delusive hope was not only breeding future disappointment for the unenlightened cultivators, but acted as a check upon those who were really entitled to have subordinate rights recorded. Mr. King had found on personal inquiry that owners with undoubted claims to specific recorded rights were "quite content with khuteonee entry of their fields, and more than pleased with the low rates of rent which it suited their landlords to acquiesce in for the present purpose of forming the cautiously-weighted jumabundee, which is prepared for the information of the settlement officer."

(signed) *C. U. Aitchison.*

Calcutta,
13 April 1864.

MINUTE by the Governor General, 20 June 1864.

A PRÉCIS has been prepared in the Foreign Office, showing what has been done in Oude on the different important questions connected with the land tenures in that Province. The Secretary of State for India has called for information on this subject, and we have now obtained from the Chief Commissioner of Oude all the information which is necessary for its proper consideration.

2. Ever since the re-occupation of Oude, it has been the uniform aim of the Chief Commissioner to sweep away, as far as practicable, all subordinate rights and interests in the soil, in all the talookdaree villages of the Province, so that there should be no intermediate interest between the talookdar and the mere tenant-at-will; and where he could not accomplish this, to restrict them into the narrowest limits.

3. The struggle between the talookdars and the village proprietary bodies, which had commenced on the annexation of Oude, ended in 1859 in the almost complete success of the former class. Out of 23,522 villages, into which the soil of Oude is divided, the talookdars succeeded, after a mere nominal inquiry, in establishing their claims to 22,658. The mode in which this inquiry was made was criticised by the Secretary of State, but was nevertheless maintained. I mention it, however, because I consider that it forms an argument for taking special care that all the subordinate rights in the land, that is, the rights which may exist between the talookdar and the mere tenant-at-will, shall be carefully investigated, and equitably fixed and recorded.

4. On the mode in which this is done will mainly depend the good name of the British Government, and the well-being of the mass of the people. Unless this work is now accomplished, while the settlement of the land revenue goes on, it is hopeless to expect that it will ever be undertaken at all. The proceedings of the present day will be the rule and guide for the future. We have the example in Bengal before us (a very similar instance to that of Oude, in more than one respect), in which, when enormous benefits were conferred on one class, the interests and indeed the rights of another class were to a great extent sacrificed.

5. The condition of the weak and friendless village proprietors and hereditary cultivators of the soil was undoubtedly very wretched under the late rule in Oude; but their position will gradually become still worse under the British Government, if the principles and policy advocated by the Chief Commissioner are allowed

allowed to become the rule and law of the country. In the days of the Nawab the chiefs had some interest in protecting the yeomen of the country, and in conciliating their kinsman and tenantry; but under a strong Government like ours, such friends and followers are not necessary, and will therefore be treated accordingly. Such considerations are of peculiar importance in India, where the cultivators are greatly attached to the soil, and where the masses have very limited and uncertain means of employment, except in agriculture.

6. In 1859 the Chief Commissioner of Oude proposed that the proprietary right in the land should for ever be considered to rest absolutely in the parties with whom the summary settlement had been made; a practice, I may say, unknown in India. Now, such a decision would have given the *coup de grace* to every village proprietor and hereditary cultivator in all the talookas of the country. The Government of India, however, refused its consent to the proposition, and declared that it was not intended to obliterate the rights either of the subordinate proprietors or of others; but, on the contrary, that the gift of the proprietary right to the talookdars "was subject to any measure which the Government may think proper to take for the purpose of protecting the inferior zemindars and village occupants from extortion, and of upholding their rights in the soil in subordination to the talookdars;" and a clause to this effect was inserted in their sunnuds. In that order, it is true, the investigation was limited to rights which existed in 1855; whereas it ought to have extended back for full 20 years, for it was during that period that the greatest misrule had prevailed.

See Mr. Beadon's letter, No. 23, of 19 October 1859.

7. With reference to these orders, the Chief Commissioner prepared a code of instructions for the guidance of the settlement officers in Oude, in which he enumerated the evils which he considered would arise from granting rights of permanent occupancy in the land. His arguments,* in my judgment, are unsound and impolitic, as well as unjust. He denies that the cultivator needs any protection, or has ever stirred in regard to his own interests. He thinks that it is no evil, men being forced to abandon their own homesteads; and that the system of granting leases will form a complete protection to the ryot, totally forgetting that everything will depend on the terms of each lease.

* See p. 9 of the *précis*.

8. The instructions of the Chief Commissioner were approved of generally by the Government of India, but their re-consideration was subsequently opened up, in consequence of the receipt of a report from Mr. Campbell, the Judicial Commissioner of Oude, and they have never been finally approved to this day. Mr. Campbell, while he admitted that there might not be found in Oude cultivators who had a right to hold at fixed rents, also considered that there were cultivators in Oude who were entitled to occupy their land on payment of a definite proportion of the produce or at a fair rent, and who, therefore, differed from tenants-at-will; and he argued that, unless those rights were recorded, they would be obliterated, the more especially as the talookdars were invested with fiscal powers, which enabled them to decide their own cases.

9. The Chief Commissioner of Oude, hearing of what Mr. Campbell had officially stated, addressed the Government of India, as follows:—He denied having ignored the existence of cultivators with right of occupancy as distinct from tenants-at-will, but felt convinced that there were no ryots with rights of occupancy at fixed rates. He did not think it necessary to particularise between cultivators with or without rights of occupancy. He further said that this question, and what was a fair rate of rent, were not matters for investigation at the time of settlement. He also explained, that while there were no cultivators entitled to hold at fixed rents, there were cultivators with rights of occupancy, subject, however, to such rent which any other cultivator would give; in short, to the payment at market rates. The Chief Commissioner denied that any such class as hereditary tenants existed in India until introduced by ourselves, and asserted that we have no reason to assume that we can fix rents when they must be affected by market prices; and that the landlord had always the right to raise the rents as he might think proper.

See No. 3136, of 15 Dec. 1862.

10. In this letter, the Chief Commissioner alludes to the opinions of Mr. Yule on these subjects, and quotes a circular of that officer, when officiating as Chief Commissioner of Oude, in these terms:—"The holdings referred to at close

No. 18-3994 of 9 Dec. 1861.

of the paragraph are of a rare and exceptionable character, the right to "which has its origin in former proprietorships, all vestige of which had long since disappeared, except as far as it is preserved in the permission conceded by the present proprietors of holding a little land at favourable rates." These are, in fact, one class of the hereditary class of cultivators whose interests I advocate.

11. The Government of India, in reply, remarked that there was not much difference of opinion between Mr. Campbell's views and those of the Chief Commissioner, except that the talookdars, being judges in their own causes, were likely to destroy the rights of the occupant cultivator. The Government letter went on to say that, while it would be difficult to define the extent and limits of occupancy, it was admitted that such rights did exist in distinction to tenants-at-will; and, therefore, the Chief Commissioner was asked whether the omission to record such rights in the settlement papers, joined to the judicial powers conferred on talookdars, would not have a tendency to destroy such rights.

12. I will here remark that there is really a great and manifest distinction between the views of Mr. Campbell and those of the Chief Commissioner, and that it was scarcely necessary to ask the latter whether the absence of all record, on the one hand, of the cultivator's rights and the power of deciding in his own favour on the other, would not be likely to lead to the result contemplated by Government. The fact really is that that omission alone will too surely produce the result anticipated.

13. The distinction between the views of the two officers to which I have adverted are these,—Mr. Campbell believes that tenants, with the right of occupancy exist in Oude as they do (in his opinion) all over India, and that such rights are different from any which the mere tenant-at-will can claim; that the occupiers, in short, carry with them beneficial rights, *i. e.*, rights to cultivate on comparatively advantageous terms. He considers that such rights should be defined and recorded, and that the talookdar should not be judge in his own case. To all these views, except, perhaps, the last, the Chief Commissioner is diametrically opposed. While admitting a right of occupancy, he states that it conveys no right to hold on any terms but those which the landlord may decide; and he would record nothing, but leave every question for the decision of the courts of law. What these courts would have to decide, under such circumstances, I cannot perceive; but, at any rate, it is quite clear that no rights which the talookdar did not admit, could be maintained in his lands.

14. I have said that the Chief Commissioner was called on for certain information on the 18th of May 1863. On the 17th of February 1864, or about 10 months afterwards, no reply having been received from the Chief Commissioner, though the settlements were all this time going on, he was addressed on the subject, and it was only on March last that a reply was received. To this letter and a subsequent communication I will again refer.

9 June 1863.

Paragraph 7.

Paragraph 8.

15. In the meantime, the letter of the Secretary of State was received, calling attention to his former Despatch of August 1861. Neither of these letters appears to have been communicated to the Chief Commissioner.* In the first Despatch, the Secretary of State, alluding to the powers conferred on talookdars, and the disinclination which litigants living in their jurisdiction might have to appealing against their orders, remarked:—"It is in this direction, as your Excellency is aware, that the weakness of the system lies, and therefore the greatest caution and vigilance are to be exercised." It was in this Despatch that the Secretary of State laid down that the revenue jurisdiction of talookdars should not extend to cases in which they were interested. He also directed that the rights of under-proprietors should be clearly defined and jealously guarded. Speaking of the reported contentment of the under-proprietors, and of the Chief Commissioner's "Record of Rights" (the same paper to which I have already alluded),

* A Despatch of the 24th April 1860, from the Secretary of State, was the only one apparently communicated to the Chief Commissioner. In it Mr. Wingfield's letter of the 15th July 1859, to Mr. Beadon, is quoted, in which he admits that the ancient village proprietors were the real owners of the soil.—J. L.

alluded), the Secretary of State expresses his hopes that the rights of the under proprietors have been protected, especially of those who were admitted to engage in 1856. And he further points out that the definition of the rights of the subordinate holders was based too exclusively on the status of 1855, which was a period of misrule and disorder.

16. By the Chief Commissioner's rules,* it has been laid down that only those subordinate rights which existed in 1855, or were subsequently conceded, were to be recognised; and that no intermediate interests in the soil which were lost prior to 1855 were to be admitted. But, while talookdaree estates were thus indulgently treated, as regards the interests of the talookdar, the limit in zemindaree villages was extended to twelve years. * Paragraph 12.

17. Now there is no valid reason whatever for such a distinction. It is not based on any order of the Government of India, or of the Secretary of State. The former decided that all intermediate rights should be guarded and respected, and the latter authority distinctly objected to the status of 1855 as the rule of limitation.

18. The Chief Commissioner proposes that, in accordance with Act XIII. of 1848, rules should be laid down limiting the institution of suits to contest the decision of settlement officers to three years. Such a rule, when the investigations and decisions have been made on proper principles, is an excellent plan, but would be out of the question in regard to the present settlements.

19. I will now revert to the last two letters from the Chief Commissioner of Oude, of which an abstract has been prepared. These letters treat of the mode of dealing with those very important questions,—the rights of occupancy in the land and the interests which those rights convey.

20. My colleagues will remember that having fully considered all the instructions which had been issued by the Government of India and the Secretary of State, a letter was addressed, at my instance, to the Chief Commissioner of Oude, on the 17th of February last, quoting the instructions which had been received from England, and asking for certain information regarding the inquiry into the rights of cultivators of various kinds in Oude. In reply, the Chief Commissioner referred to the different orders which were passed in 1859 and 1860. That officer argues that the instructions on which he acted have the force of law, having been made law by Act† of Parliament in 1861. But I submit that this is not the case. The instructions were simply rules of guidance for the administration of Oude, issued by the Governor General. Such instructions are subject to such modification as may appear fitting from time to time. The Act of Parliament was intended to legalise certain Acts and orders of Lord Canning, such as the alienation of land revenue, the confiscation of the proprietary rights in land in Oude and other Provinces, for which an Act of the Legislature in India might have been thought necessary. But the orders quoted by the Chief Commissioner were simply instructions, such as those issued by Lord Canning for the administration of Oude in 1856, which his Lordship himself subsequently modified in 1858 and 1859.

† Vide "Indian Councils' Act," sect. 25.

21. The point whether these orders, on which the Chief Commissioner relies, have the force of law or not, has been referred for the opinion of the Advocate General; and in the event of that judgment being in the affirmative, a Bill should be brought into the Legislature for their modification. But, in the meantime, the system of inquiry and record into the landed tenures of Oude should be altered, as early as possible, for much time has already been lost.

22. The correspondence which has been lately received from the Chief Commissioner, shows, in my mind, conclusively, that subordinate rights of various kinds in the soil of Oude do certainly exist, analogous to those which are to be found in other parts of India. The instructions of the Chief Commissioner have no doubt deterred many people from asserting their claims, and have led the settlement officers to refuse a hearing to those which have been preferred. The preponderance of evidence, as contained in the reports of the settlement officers and Commissioners, is in support of these views.

Had then the orders of Lord Canning barred any inquiry into such rights, I submit

submit that those orders should be modified for the sake of the interests of the many people who would otherwise suffer. But it appears to me, as regards tenant rights, that the instructions of his Lordship do not militate against such interests. The sunnud which was issued by Lord Canning, and which is the one under which the talookdars hold their lands, clearly reserves such rights as those of the cultivators which I advocate. These are the words of the 3d paragraph of that sunnud; to which, I may add, the Chief Commissioner at the time objected, but without effect:—It is a condition of this grant that you will, so far as is in your power, promote the agricultural prosperity of your estate, and that *all* holding under you shall be secured in the possession of *all* the subordinate rights they formerly enjoyed.”

23. The sunnud goes on to enjoin this condition by adding, “As long as the above obligations are observed by you and your heirs in good faith, so long will the British Government maintain you and your heirs as proprietors of the above-mentioned estate.” There are other obligations in the sunnud, but this one shows conclusively that it was never intended to destroy the rights of any class which might exist.

24. To show how persistently the Chief Commissioner has been opposed to any beneficial rights in the soil founded on hereditary or long-extended occupancy, I may add that in the record of rights which he issued, under the sanction of the Government of India, as the rule of guidance to the officers employed in the settlement in Oude, he has made no allusion to any such tenures, beyond deciding that no distinction was to be made between cultivators at fixed rates and cultivators at will.*

In that paragraph he argues how impossible it will be that cultivators will ever be injured in Oude; and remarks that the cultivator has never stirred the question of protection himself. But it is clear, from the Reports of the Commissioners and Deputy Commissioners of the Province, that the cultivator, if allowed, will agitate the question, and feels bitterly the injustice of not being granted a hearing.

25. Throughout the correspondence the Chief Commissioner dwells on the circumstance that fixed rates for cultivators do not exist in Oude; and that the right of occupancy entitles the tenant to nothing beyond market rates, or, in other words, to nothing beyond holding his land at the rent the proprietor likes to allow. It is possible, as a rule, that tenantry on fixed rates does not prevail in Oude; perhaps it does not even exist. But the real question at issue is, are there or are there not classes of cultivators who hold their lands on hereditary or ancient tenures, which entitle them to advantageous terms compared to tenants at will; which terms, if they cannot be settled to the satisfaction of the landlord and tenant, ought to be determined by the settlement officers for a term of years? Such arrangements would be simply tantamount to giving the latter a lease of their holdings, subject to revision and perhaps enhancement at the time of renewal.

26. In April last I met the Chief Commissioner of Oude, by appointment, at Cawnpore, when, in presence of the Honourable Mr. Maine, I went over all the points connected with these two great questions—viz., that of allowing the sub-proprietors of land twelve years from the annexation of Oude within which to prove their rights; and, secondly, the recognition of the hereditary tenant principle, as well as that founded on the right of long-extended occupancy. These two subjects were very fully discussed, and the Chief Commissioner promised to give them his consideration, and to consult some of the leading talookdars on the subject.

27. The Chief Commissioner has since informed me that the talookdars have consented to extend the period of limitation, for the hearing of the claims of sub-proprietors, to 12 years before annexation.† But on the other and more important matter,

* See paragraph 32 of the Record of Rights.

† This was the term I proposed, with a view of conciliating the talookdars. The Secretary of State proposed from 12 to 20 years; vide paragraph 7 of his Despatch, 24 April 1860. And in paragraph 11 of the same letter, he says, “You were quite right in rejecting at once the proposition of the Chief Commissioner, that all under tenures should be abandoned to the mercy of the talookdars.”—J. L.

matter, that of tenant right, they will make no concession. I will annex to this memorandum copies of the demi-official correspondence which has passed.

28. The question now is, What is the proper course to pursue? The Chief Commissioner affirms that no such rights as those which have been described exist in Oude. My belief is that no sufficient inquiry has been made, and that the parties who claim such rights have not been allowed a hearing. I have quoted the record of rights which he has drawn up, to show that he practically ignores such rights. In fact the Chief Commissioner assumes that which should be the subject of investigation. The officers employed on the settlement operations show that tenant rights of various kinds do exist in public opinion, and that a hearing is not allowed.

29. Independently of the evidence which has lately been elicited in favour of the belief that these tenures are to be found in Oude, we know that similar tenures exist generally in other parts of India. They are to be found in Bengal, Behar, and Orissa; they exist in the North-West Provinces, including those portions which formerly were a portion of Oude itself; they are recognised throughout the Punjab, and are known in Central India also; they are recognised in the regulations which, for many years, have been framed by the Government of India as the laws under which the investigation and record into the rights and interests connected with land shall be conducted.

30. In all the settlements of the land revenue in any part of India of which I have personal cognizance, the officers intrusted with the duty commenced their operations with no fixed theory on such subjects; but they allowed every man to come forward and make his own claim, supporting it by such evidence as he was able to adduce; and this is the course I wish to see followed in Oude.

31. No doubt all over India, under an arbitrary form of Government, under rulers who had no thought for the interests of the people generally, such rights were constantly overborne and set aside; and such was the case with all other rights, whether in the soil or in anything else. The talookdar, the village proprietor, the hereditary cultivator, all held on as they best could do. Such was the condition of Oude, more especially in later days. There existed no law, no custom, no rights, and indeed no safety but in the strong hand and stout heart; and a perpetual conflict was going on regarding the land in particular; while many of the talookdars themselves, no doubt, are now in the enjoyment of their ancient possessions; many of these talookdars are also holding the lands which they have only wrested within a few years from others.

32. The object of the British Government in taking possession of Oude was to put a stop to the general misrule and oppression which then existed. From motives of policy, without any real inquiry, we subsequently affirmed the claims of the talookdars to all the lands which had been in their possession at annexation. We have thus conferred on them an almost priceless benefit. We have, at the same time, limited the demands of the State to a moderate proportion of the rent of land (compared to the usual practice) on the condition that the subordinate rights and interests of those below them shall be respected. The only way to insure this is to define and record these rights while the settlement is going on. It is, as I have shown, no new theory, no new practice, but one in accordance with our laws and system.

33. The arguments for the policy which I propose shall be pursued, are especially strong in regard to the rights in land in Oude. Many of those who will now be recognised as sub-proprietors in the village lands, were only a few years back the sole proprietors of those lands. But the great majority of these ousted proprietors will not come under so favourable an arrangement; they will now, at the most, succeed in getting themselves recorded as hereditary or ancient cultivators, with a beneficial interest in the soil. In short, the whole question now at issue, even under the most successful circumstances, will be one of compromise, in which the talookdar will gain the lion's share of the spoil.

34. It has been asserted that it is not for the benefit of the Province that such terms as these should exist, but rather that all the rights and interests in the soil should be concentrated in one class. But the question is really one of justice

justice and fair dealing. If such rights are fairly made out by prescription and usage, they ought to be maintained even if such a system were not the one most favourable to the rapid development of the resources of the country. But, without entering into the general merits of this wide question, I will say that I believe, that in India, the very rapid strides which have been made in many Provinces in the extension of cultivation are largely owing to the mode in which the different interests in the land have been defined and protected. In the Upper Provinces in particular, of which, with the exception of the Punjab, I am most cognisant, a considerable portion of the country was waste when it came under British rule. That tract is now well cultivated and very prosperous. Errors may have been made in some details, and in some respects, in the great settlement of the Provinces which began in 1832 under Lord William Bentinck's administration, and lasted for more than 10 years. Nevertheless, I am convinced, that much of the prosperity of the country is owing to the manner in which, at that time, the interests of every class were defined and protected. In particular, the rights of the subordinate classes, such as the hereditary cultivators, were placed on a fair and just footing; and that, too, with the approval and consent of the proprietors as a body. In those days this class was a real and solid benefit to those above them in the social scale, and the loss of such a sturdy class would have been a grievous misfortune to the proprietors; hence they were made much of, and their interests cared for. Now that the village wastes have been reclaimed, and population has increased, a desire to oust the hereditary cultivator has begun to be developed. But it should be our policy to resist such a change; and, while careful of the just rights of the proprietor, to insist on due regard being paid to those of the inferior class.

35. All the orders which have emanated from the Government of India connected with the points now under consideration, from the time that Mr. Wingfield has been Chief Commissioner until my arrival in India, have been founded solely, so far as I can judge, on the reports of that gentleman. No information from any of the Commissioners and Deputy Commissioners has been forthcoming, until especially sent for in February last. The instructions of the Secretary of State for India practically remained a dead letter.

36. Mr. Wingfield has taken up a line of policy from which he will not recede. I admit this gentleman's ability and merits, and I would gladly have availed myself of his services in carrying out the modified course which appears to me so essentially necessary. Certain obvious advantages would have thus accrued, the greatest of which being the assurance it would give to the talookdars. But he has declined to do this. It is now necessary to devise other arrangements.

37. The Chief Commissioner is not only at the head of the general administration of Oude, but he has been invested with the powers of a Financial Commissioner, which formerly in Oude, as in other Provinces, pertained to a separate officer. This was declared to be a temporary arrangement at the time. Under this system all the settlement operations are conducted under his instructions. He lays down what claims to land shall be heard; in what manner the investigation shall be conducted; and finally, he is the ultimate judge on appeal in all such questions. As his court has been invested with all the powers of the civil court, as regards the trial of rights and interests in land, it is now a question even if the Supreme Government can give an opinion on the mode in which such duties are carried out. Formerly the rule was that, as all the settlement operations were subject to the final approval of the Government, it could interfere in the shape of criticism and comment at any stage of the operation. A dissatisfied party could also, at the conclusion of the settlement, try the merit of any decision in the civil court. This power no longer exists.

38. It may be judged, then, from this statement, what chance any man in Oude has to substantiate a claim as an hereditary tenant in the land. But even this does not altogether describe the influence and authority of the Chief Commissioner. Mr. Charles Currie was the Secretary of the Chief Commissioner; and, some two years ago, he was made Settlement Commissioner in Oude. Now Mr. Currie has the same views, and advocates the same policy as the Chief Commissioner;

Commissioner; and as Settlement Commissioner all the operations of the settlement pass through him, and he hears the appeals, in the first instance, from the decisions of the officers employed in conducting the inquiries and making the assessments.

In order then to place the administration of Oude on a satisfactory footing, and to give a fair chance to all parties, I propose that we now revert to the original administrative arrangements for the management of Oude, viz., that Mr. Wingfield's duties for the future shall be limited to those of Chief Commissioner. That a Financial Commissioner* shall be re-appointed, and that the settlement of the revenue and landed tenures in Oude shall be conducted under his directions, subject to the general instructions of the Supreme Government.

40. There were originally four territorial divisions in Oude, subdivided into 12 districts. One of the divisions was absorbed into the other three, in order to place the whole of the settlement under Mr. Currie. I would re-form the fourth commissionership, placing Mr. Currie in charge of it. Each Commissioner would then transact all the duties of his charge, subject in revenue matters to the Financial Commissioner.

41. My first views were also to lay down specific rules for the adjudication of claims to land in Oude; but, on the whole, I think it will be the best course to introduce the revenue regulation generally, and in particular, Regulations 7 of 1822, and 9 of 1833, as well as Acts X. of 1859, and XIV. of 1863.

42. These are the changes which appear to me urgently required in Oude, and I accordingly propose them for the consideration of my colleagues.

APPENDIX to MINUTE of the Governor General.

Dear Sir John,

Lucknow, 16 May 1864.

I SEND my reply, on the subject of our conversation at Cawnpore, in the form of a memorandum.

I take this opportunity of thanking your Excellency for the openness with which the communication of your views was made, and if I have been thereby encouraged to attempt no concealment of my thoughts, I hope I may be acquitted of any intention of forgetting our relative positions, and that I may not be thought wanting in the respect due to your Excellency, personally.

His Excellency
The Right Honourable Sir John Lawrence, Bart.,
&c. &c. &c.

I remain, &c.
(signed) C. Wingfield.

MEMORANDUM.

1. WHEN I met the Governor General at Cawnpore, he explained his views on the settlement now in progress in Oude. These were, first, that the term of limitation for the admission of claims to subordinate rights in talookuas, now fixed at the status of 1855, or the year preceding annexation, should be extended to 12 years. Secondly, that the position of the non-proprietary cultivators should be defined, and those who had held for a certain time, which he did not determine, should be recorded as possessing a right of occupancy, and their rents fixed for the term of settlement.

2. His Excellency informed me that if I would undertake to carry out the settlement on these principles, which are different from those on which I have hitherto acted, he would leave it in my hands, out of which he was good enough to say he had no wish to take it; but if I declined, he must send some officer to relieve me of the financial branch of the administration.

3. I begged that before giving a decided answer, I might be allowed to take time to sound the temper of the leading talookdars on this change of policy, and to determine whether I could conscientiously give him the necessary assurance.

4. I have

* Mr. Wingfield himself is willing that a Financial Commissioner should be appointed.—J. L.

4. I have now learnt how it is likely to be received by the talookdars, and I have decided on the line of conduct which, under the alternative presented to me by the Viceroy, I think it becomes me to adopt.

5. I must here explain that I sent for about 8 or 10 of the most intelligent and influential talookdars from different parts of the province, and informed them of the contemplated measures. I told them that my position, as a servant of Government, precluded my giving them any advice, that I would express my own sentiments on the question unreservedly to the Government, but that my present object was simply to learn theirs.

6. On the first head,* I gather from what they said, that though they would consider themselves justified in demanding that the present rule be maintained as resting on a declaration having the force of law, they would offer no objection to its relaxation, so as to extend the term of limitation for the hearing of claims to subordinate rights to 12 years, computed back from the date of the summary settlement in 1858-59, as is the rule in regard to claims of equal interests, and subject always to the condition that full proprietary rights are not thereby revived. That is to say, that where villages have been annexed to the talookua within 12 years, the persons who were in full proprietary possession will not be entitled to recover the equivalent of their former rights, viz., a sub-settlement at five per cent. upon the Government demand, but only to the most favourable terms they enjoyed in any one year since the incorporation of their lands with the talookua.

7. This condition appears to me to be just and reasonable, for the sunnuds and Government letter, No. 23, dated 19th October 1859, only require the maintenance of rights in subordination to the talookdar. These may sometimes amount to a sub-settlement of the entire village, and whatever they are they will be maintained, but independent rights should not be revived in another guise.

8. They were also particularly urgent that such subordinate interests only should be recorded as were held of right, privileges granted for service or from favour being included, and that temporary leases be not confounded with under tenancies carrying a complete right of property. But the settlement rules take full cognizance of these distinctions under the present term of limitation, and they are duly considered by the courts.

9. Generally they said that they had no wish to put a man in a worse position than he was in before under them, therefore, though the Government order had given them an advantage, they did not wish to use it further than was necessary to maintain their just rights.

10. Few talookdars will probably be much hurt by the modification of the rule in the above sense, for generally it may be said that those under proprietors, who were in possession of subordinate rights at annexation, had enjoyed them for some time previous.

11. I have no doubt, therefore, that all talookdars will readily consent to this extension of the term of limitation, and shall be happy to use my influence with them to this end, as I have already done, to persuade them not to insist too closely on the status of possession in 1855, but to recognise just claims that may nevertheless not come up to that test, and with good results, as the reports of the settlement officers for 1863-64 will, I have no doubt, show.

12. So far, then, as this part of the contemplated change goes, I shall have no difficulty, on the above understanding, in carrying on the settlement in conformity with his Excellency's views.

13. But to the record of any non-proprietary cultivators, as possessed of a right of occupancy, and to the limitation of the rent to be demanded from them during the term of settlement, the talookdars are most decidedly opposed, because they maintain that such rights have ever been unknown in this province, and their creation would strip them of the character of landlords, and leave them a mere rent-charge on their estates. I am satisfied that there would be unanimity of opinion on this point.

14. In my letter, No. 932, dated 26th March, I have already stated my conviction, which remains unshaken, that non-proprietary cultivators in Oude, never possessed any such rights as are presumed to be vested in them, and that to create them now would be an infringement of the terms of the sunnuds, which only bind the talookdars to the maintenance of existing rights. I also expressed my belief that such interference between landlord and tenant would be detrimental to the best interests of all classes, and fatal to the progress and prosperity of the province.

15. It would, I submit, be impossible for one who disbelieves in the existence of such rights to define the principles on which they should be recognised, nor do I think that a man who believes a measure to be ruinous in its consequences is a fit person to conduct it. From the beginning of 1859, it has been my congenial task to carry out the policy inaugurated by the late Lord Canning, and which has guided the administration of the Province

* I lately sent Mr. Maine an epitome of the transactions of the time, showing how and under what authority the rule of limitation, in Circular 2 of 29th January 1861, came to be passed:

Province up to this time. I am identified with it, and in the full conviction that I was faithfully expressing the intentions of the Government of the day, I have given repeated assurances that it would never be reversed. If I were to attempt to carry out another policy now, and I consider the creation of tenant rights to be antagonistic to its leading principles, I should be doing violence to my convictions, reversing my own acts, and belying my promises. I therefore consider it to be only my duty, both to the Government and myself, to avow how painful it would be to me to undertake the task.

16. And I think it also my duty, deferentially, to point out to the Government the difficulties that beset the course it is proposed to pursue. The talookdars of Oude, who have seen the effects of the creation of rights of occupancy, and of fixing the rates of rent in the North-Western Provinces, will never be brought to consent to the admission of privileges destructive of their complete right of property in their estates. This complete title they naturally prize above all things; and therefore they will equally oppose a right of occupancy unaccompanied by the determination of the rent. Every case, then, in which it is proposed to declare such a right, they will bring into court and carry in appeal to the highest tribunal, and if judicial proof is required, and mere presumption of the existence of the right does not suffice, they must, to my apprehension, gain their cause; for I hold it to be impossible to deduce from any length of permissive occupancy the conclusion that it establishes an interest adverse to that of the landlord.

17. And I hope I may not be thought to go beyond my province if I venture to ask the Government to take into serious consideration the effect that may be produced on the minds, not only of the people of this Province, but of the upper classes throughout India, if the rights solemnly guaranteed by him in open Durbar, in the name of Her Majesty, should be infringed. It is hardly too much to say that their confidence in the promises of their rulers, and in the stability of any course of policy, would be seriously shaken.

"You will have seen by the terms of these grants that the ancient talookdaree system of Oude is renewed and perpetuated."

"Be assured that as long as each of you is a loyal and faithful subject his rights and dignity as a talookdar will be upheld by me and every representative of your Queen, and that no man shall disturb them."

Lord Canning's speech in Durbar, 26th October 1859.

18. Lastly, I would urge the expediency of allowing the talookdars, who represent the body of the landed proprietors of Oude, to be heard before this change is resolved on. It seems but reasonable that they should be permitted to offer arguments and evidence to show that the non-proprietary cultivators have never possessed the rights it is proposed to declare them entitled to.

(signed) C. Wingfield.

Dear Wingfield,

Simla, 28 May 1864.

I HAVE delayed answering your letter of the 16th until I could give the subject on which you wrote that consideration which it deserved. I am much obliged to you for writing so frankly and fully. I am also pleased with the manner in which the talookdars of Oude have behaved; and I appreciate their ready consent to extend the period of limitation to 12 years for claims to subordinate proprietary rights in talookdaree villages. I think, however, that the period of limitation should count from annexation, and not from 1858-59, the date of the summary settlement. It has been from the former date that the question has been under dispute. I quite agree that full proprietary rights cannot thereby be revived. I also subscribe to your condition, as contained in the concluding sentence of paragraph 6 of your memorandum.

I further agree to what you say in paragraph 8, with the understanding that all evidence of the kind shall be taken for what it may be fairly worth. It should also, in favour of the claimant to subordinate rights, be allowed that a failure to substantiate such rights shall not operate as a bar to the party being admitted as an hereditary tenant, and entitled to whatever advantages may be given to such tenures, provided long possession can be shown.

Have you not omitted the word "not" after "will" and before "probably" in the first line of paragraph 10, otherwise the meaning you intended to convey is not apparent?

I now come to the other, and, in my mind, the still more important question, that of tenant right. If this were a mere question in which the interests of a few individuals were concerned, I might hesitate in maintaining my own views. But it is really a question in which are involved the interests of a great body of men, many of whom, I have no doubt, are the descendants of the old proprietary communities of the Province of Oude, whose rights are now enjoyed by the talookdars of the present day. When these talookdars talk of their rights, they should recollect that the chief value of these rights, viz., their permanence and security, is alone derived from the British Government; and that under Native rule they were always liable to lose their possessions in the same fashion as they won them. The value which British rule has given to their lands is enormous, and much beyond what they can now appreciate. I do not myself consider that the admission of the ancient tenants of land, the old hereditary cultivators, and the broken-down ill-treated descendants of former proprietors to the right of occupancy, and to fair and equitable rates, will infringe in the least degree the pledge of Lord Canning. I feel sure myself that, while he was desirous to maintain the "just rights" of the talookdar, he had no intention to transfer to them the rights of others, with the single reservation that the talookdar, however he may

have acquired the land, should continue the head proprietor. But the rents which such tenants shall pay should be fixed, if it can be done, by the parties themselves, and where this is not practicable by assessors, subject to the approval of the settlement officer; and when once so settled, should not be liable to enhancement during the term of the settlement.

The talookdars affirm that no such rights formerly existed in Oude, and to this extent their statement may be true. Where a chief or man of influence had the power, he did what was good in his own eyes. He cared neither for rights nor interests. But on the other hand, where the tenant or village proprietor belonged to a clan, or a large body of agriculturists, the chief was made to respect his rights. But, as a rule, there were two strong points in favour of the people. Land was plentiful and tenants were scarce; and thus the latter had some consideration. These men were a source of power to the leading chiefs, who could not maintain their position without such assistance. Under our rule, the great desire will be to accumulate money; and so the under tenants will fare badly, if left to the mercies of the proprietor.

I do not believe that the North-West Provinces have suffered in the least degree from the recognition of the hereditary tenants' rights. My experience is quite the other way. Since the great settlement of the land revenue, which began in 1834, it is universally admitted that the cultivation has made great strides, and the general prosperity has largely increased. A fair share of this improvement is due to the labours of these tenants, and the security of tenure they obtained. In those days the proprietors of land were too glad to retain these tenants on any terms; now that the land has become valuable, a desire has arisen to get rid of them.

I do not desire to create rights in the land in Oude; all I require is that the rights which flow from long possession, by general consent among the people, shall be recognised and recorded. Such rights any just native rule would admit; such rights our laws in India have distinctly laid down. I do not desire to see Regulation X. of 1859 extended to Oude for the present. I should prefer to see some of its provisions modified. But if the talookdars will not consent to a fair compromise, there will be nothing for it but to do this. The Government is limiting its demand to half the rent; practically, as you well know, it will never reach that proportion; where the talookdar is gaining so much, he can surely afford to give a little to others, or rather, I should say, to forego somewhat of his claims.

I do not think that it would be well for the talookdars to address the Government as a body. You have said, you can say, all that there is to be advanced on their side.

I feel it only due to you to enter fully into my views on this subject. Let me hear as soon as you can.

Sincerely yours,
(signed) *John Lawrence.*

Dear Sir John Lawrence,

Lucknow, 6 June 1864.

I am very sensible of the indulgence you have shown to the freedom with which I expressed myself in the memorandum, and hope I shall not be thought to abuse it in my present letter.

There will, I think, be no objection on the part of the talookdars to reckoning the period of limitation from 1856 or the date of annexation. The change should however be made equally applicable to claims of equal interests in non-talookdaree villages, and this will necessitate a review of all decisions in such cases that have turned on the period of limitation.

The principle on which the present rule rests is that the policy pursued at annexation having been condemned and reversed, our proceedings at that time are null and void, and our administration of the Province takes a new date from its re-conquest in 1858.

I cannot account for the mistake I made in the 10th paragraph of my memorandum, and hope I may be excused for having so ill expressed my meaning. What I meant to convey was that few talookdars will be much hurt, &c. &c., because, generally speaking, the under proprietors who were in possession of rights at any time within 12 years prior to 1858 continued to hold to annexation, for there were no peculiar motives at work during that period to induce talookdars to destroy subordinate rights; and when persons who had been long in possession of their rights did lose them in the year or two previous to annexation, the rule has not been rigorously enforced, and latterly there has been a general agreement among the talookdars not to press it.

Almost all the settlement officers of whom I made private inquiries on this point after my return from Cawnpore, take the same view, and the further extension of the term of limitation, by computing it from 1856 instead of from 1858, cannot make very much difference. The other is, as your Excellency observes, the far more important question, that of tenant right.

I quite subscribe to the doctrine that the pledges given by Lord Canning and conveyed in the sunnuds, will not be infringed by maintaining any existing rights. It is in the existence of such rights on the part of non-proprietary cultivators that the issue turns. This the talookdars and I also venture to deny, and I can assure your Excellency that I have not come to this conclusion without much inquiry and reflection. Perhaps had I remained in
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the North-West Provinces I should never have arrived at it, but here I have been brought face to face with native society in its unadulterated state, and with no other wish than to learn the truth, I have been unable to discover any trace of tenant rights.

I have not thought it necessary to send for all the talookdars, whom I previously addressed, because they were then thoroughly resolved not to consent to the record of tenants with rights of occupancy at fixed rates, on the ground, as I have already said, that no such rights ever existed, and to create them would be an infraction of the terms of the sunnuds. Some, however, are not at Lucknow, and among them Maharaja Maun Singh, by whose counsel the majority will probably be guided, and from what they say I feel convinced that their resolution on this point is not to be shaken. Indeed, the alternative of introducing Act X. of 1859 with its continuation, Act XIX. of 1863, would rather operate as an inducement to them to demur to your Excellency's first proposition, viz., to declare rights of occupancy at fixed rates for the term of settlement, as that enactment will not be so prejudicial to their interests, for, by Section 17, the rent of a tenant with rights of occupancy can be raised under certain circumstances during the term of settlement.

I think, therefore, I should be wanting in candour if I did not state my opinion that the talookdars will agree to no compromise on this point.

The effect of the measure would, I apprehend, be to reduce enormously the value of their property. The highest rent that could now be fixed will not probably, 20 years hence, be half the average rate for land open to competition; so great a rise in prices or fall in the value of money may I think be anticipated from the agencies now at work; and this sacrifice will, I fear, be imposed on the landlords for the benefit of no one, for the rent the landlord loses will not enrich the tenant. With no motive for exertion he will be idle, and the country will be so much the poorer.

I cannot help thinking that the North-West Provinces have increased in prosperity not in consequence of but despite of giving cultivators those rights, just as England grew in wealth during the 18th century in spite of a commercial policy now condemned. The progress of the North-West Provinces would, I apprehend, have been more rapid had there been large landlord properties, and no restrictions on the owners' rights. And I think it may be doubted if the extension of cultivation in those Provinces is to be ascribed to the protection given to the ryots. Waste land belongs to the landlord, and can only be reclaimed with his consent and by his exertions. The right of an occupancy ryot is limited to his holding, and he takes new land as a tenant-at-will. It is also my duty to state my belief that the talookdars will exhaust all legitimate means of opposing Act X. of 1859, as being in contravention of the terms of the sunnuds, since, by Section 6, it creates rights unknown in Oude, and, as I cannot help thinking, unknown elsewhere, before the passing of this Act; for the early regulations, though assuming a prescriptive right of occupancy in certain classes of cultivators, nowhere to my recollection fix a term of years as conferring it.

Section 28 also appears to infringe the sunnuds, and will inflict serious loss on the talookdars, for rent-free grants by talookdars are very numerous, and the claim to assess them would, in most cases, be barred by the rule of limitation, though it is notorious that these grants, when not made for a valuable consideration as few were, were held by favour, or as wages of service, or pension, and in the universal opinion and practice of the country were resumable at pleasure.

I deprecate the introduction of this Act into Oude, only in a slightly less degree than fixing rents for the term of settlement. Presiding in the chief revenue court of the Province I might, however, if I were to follow the interpretation of the law as declared by the late Chief Justice, namely, that it never intended to give rights of occupancy at rents lower than could be obtained from tenants-at-will, render its main provisions comparatively inoperative. It is true that much litigation would ensue, and much bad blood would be generated, but the landlords would prevail in the end.

But this, I am well aware, is not the spirit in which your Excellency desires to see the Act administered, and it would be contrary to every principle of duty as well as honour to undertake to carry out a measure with the express intention of defeating the aims of its authors. The Act must be worked as it has been in the North-West Provinces, and in that case I feel the same reluctance as I expressed in my Memorandum to become the instrument of reversing the past policy, nor do I think it can be for the advantage of Government that I should put such constraint on myself.

Your Excellency will believe me when I say, that if I thought that I was driving the non-proprietary peasantry of Oude to misery, by refusing to confer on them rights of occupancy, I would be first to urge the talookdars to make concessions. But I have already expressed my belief that we shall best consult their future interests by non-interference between them and their landlords. There may be discontent on the part of the descendants of dispossessed proprietors and the clansmen who held at low rates on condition of military service. These are the classes who, as the Government of India has itself declared* have the least claims on our sympathies and protection will, I fear, convert them into lazy and useless middlemen. But the cultivators of other races are, I am convinced, perfectly contented with their present condition, and in some estates, that of the Maharaja of Bulram-pore for instance, enjoy a degree of happiness and comfort to which the peasantry of the North-West Provinces are, I suspect, strangers, because the landlord not being afraid of their encroaching on his rights can afford to deal liberally with them, and no class antagonism arises.

I fully acknowledge the right of the Governor General to place the revenue administration

* Paragraph 34 of Government letter, No. 3502, of 6 October 1858.

tion of the Province in the hands of the person who shall most faithfully represent his views, and can best carry out his policy. I thankfully admit that nothing could have been more considerate than the way in which your Excellency has trusted me in this matter, and I think it but fair to say that if my retention of office as Chief Commissioner should prove an obstacle in the way of making arrangements for the conduct of the revenue administration, I am ready to resign it, and to go out of employ till a suitable post can be assigned to me.

I believe indeed that there is ample employment for a financial as well as Chief Commissioner, and I doubt if it would be much longer possible for the Chief Commissioner to give due attention to his administrative and judicial duties. In the past official year I have decided nearly 300 appeals in regular suits for rights in land from the revenue and settlement courts, many of them involving difficult questions of mortgage and inheritance, besides nearly 200 in summary boundary and miscellaneous cases, and though, according to the Code of Civil Procedure (8 of 1859), cases come before me in special appeal only, yet with regard to the importance of the interests involved, and the necessity for exercising the powers of review vested in all Appellate Courts in Oude, I am constantly obliged to go into the facts found by the lower courts. I therefore do not think I could, with regard to my other duties, decide a larger number than 300 appeals in the year, and yet for the last two months they have been coming in at such a rate that I expect fully 800 will be instituted during the year, of which more than half will probably remain undecided at its close. And besides the pure judicial business there are the other numerous details of the settlement now going on in nine districts to attend to.

By remaining then as Chief Commissioner merely, I should not consider I was imposing a needless burden on the finances. But I much fear that the position would be a very delicate one. Hitherto the talookdars have been in the habit of coming to me to make known their wishes, or to seek advice as they were exhorted to do by Lord Canning in his speech at Durbar in 1859. Henceforth my intercourse with them must be restricted. There must be absolute silence on all revenue and settlement matters. In my relations with the settlement officials I must also be most guarded. Their branch of the administration must be a sealed subject between us. And should the talookdars continue to prosecute their appeals against the new measures, I might not, even with all these precautions, escape the imputation of prompting their course of action. Indeed, my bare presence in Oude might prove an impediment to the revenue administration, and on public considerations it may be expedient that I should retire from the scene. On the other hand, it is possible that my retirement at this moment might lead to a panic among the talookdars, and to a general belief that the policy of 1856 was about to be reverted to.

Having thus laid before your Excellency both sides of the question, in doing which I have been actuated by public considerations solely, I am quite content to leave the issue entirely in your hands, and to stay or go as may be thought most conducive to the interests of the Province.

I remain, &c.
(signed) C. Wingfield.

MINUTE by the Hon. H. S. Maine, 10 July 1864.

I AGREE in much that is said in the Governor General's Minute, and though I cannot concur in the precise course which he has recommended, it is possible that the suggestions which I have to make may coincide with those "specific rules" which his Excellency informs us he was at first inclined to lay down.

2. The present Chief Commissioner of Oude, with whom I have some acquaintance, not only deserves the tribute which the Governor General has paid to his ability and energy, but it is only just to him to state that the views which he now maintains are the views which he has long maintained. He is one of a minority (I believe rather a small minority) of north-western officials who deny the soundness of that theory of Indian tenures and rights in the soil, which I presume, I may call the Thomason theory. They have always contended that the principles on which the theory is founded have been assumed, and not proved; and that the alleged facts which are supposed to bear out the theory are not really the result of observation, but are the fruit of the influence which the assumptions embodied in the instructions to settlement officers have exerted in the minds of those functionaries. My own impressions on such a subject are of course without value; but I think it must be conceded to this school of civilians that, while the weight of Indian authority is obviously and strongly against their views, there are really, on the other hand, no limits to the influence which preconceived opinion may exert on the mind, or to the degree in which facts may lend themselves in appearance to foregone impressions of their character.

3. No

3. No quality is rarer or more useful in India than a healthy scepticism, and therefore if Mr. Wingfield, on assuming the government of Oude, had given effect, not to his convictions, but to his doubts, and had induced the Supreme Government to direct a fair, free, and unbiassed inquiry into the existence of hereditary tenants in Oude, I consider not only that such an investigation would have been justifiable, but that its results would have been of the utmost political and social, and even of the utmost historical value. Oude was virtually a virgin field of inquiry, for all trace of the settlement effected on annexation had been swept away, and so far as concerns any artificial interest in land created by English officials, the country was *tabula rasa*. An attentive examination of the Oude tenures under these circumstances would have been of the utmost importance to us in the great controversies now impending, and we should have had a set of most significant facts to guide us, instead of having to make our selection, as at present, between positive contradictory assertions. My impressions, as I said before, are not worth much, but I confess I believe that the inquiry would have ended in establishing the existence of hereditary tenants; but I cannot see that Mr. Wingfield, on his own assumptions, need have been assured of this result. It is quite conceivable, however improbable, that the evidence against the hereditary cultivators in Oude would have been so strong as to throw doubt on their original existence in the rest of India. Or again, the tenures of Oude (and this I have seen asserted) might have been shown to differ wholly from those of other Provinces. Or, lastly, it is not only possible, but quite within the bounds of probability, that beneficial rights of occupancy, after having once existed, might, in long years of confusion, have been either entirely obliterated or reduced, in respect of liability to rent, to the level of tenancies at will. In such an event, it would have been both just and politic to act on the maxim which obtains, even in the most civilised systems of jurisprudence, that wrong, matured by time, becomes right.

4. But my complaint against Mr. Wingfield is, that he has fallen into the very same error with which he reproaches the partisans of the dominant theory. It seems to me that all his views of the state of tenure in Oude have been assumed, and not proved. So far as regards one and the most important class of interests, he appears to me to have simply opposed one assumption to another—the assumption that hereditary tenants with beneficial occupancy do not exist to the assumption that they do exist. My strong impression that this is so is mainly derived from the demi-official correspondence which passed between the Chief Commissioner and the Foreign Secretary when I was at Simla last year. There is a note of mine of that date among the papers, in which I remark on the persistency of the Oude officials in making assumptions instead of stating facts. It seemed impossible to get them to answer aye or no to plain questions, and every inquiry about the hereditary tenants produced either observations on the fallacious basis of the north-western system, or assertions that the recognition of beneficial occupancy was an invasion of the rights of property. Lord Elgin was forcibly struck with the same peculiarity in the replies, and I think he must have put his impressions into writing, though I have failed to discover them in the mass of Oude papers.

5. It is true that Mr. Wingfield, in his letter to the Governor General of June 6th, has asserted the non-existence of beneficial occupancy in Oude, as if it were a phenomenon which he had personally observed; and statements to the same effect were elicited from him in the correspondence which followed Mr. George Campbell's Report. The Chief Commissioner is incapable of knowingly misstating facts, and had these assertions of his been made previously to the date of the so-called "Record of Rights," i. e., before September 1860, they would have had much importance. We should then have known that the policy pursued towards the hereditary tenants had at least for its foundation the impressions of an acute observer; but it will be perceived that, in the earlier documents, the question about hereditary tenants is never discussed, as if it were a question of fact. Mr. Wingfield's argument in the 31st paragraph of the Record of Rights turns wholly upon policy; he speaks of beneficial occupancy as "an invasion of the rights of property," and urges that no harm could come of disregarding it under the special circumstances of Oude. The impression left on my mind by his language is, that the question of actually vested right either never occurred to him or was wholly set aside. His later declarations on the point, advanced

long after his policy had been settled and after it had been partially carried out, can only, I think, be regarded as another illustration of the ductility of men's impressions of fact under the influence of a foregone conclusion.

6. All evidence of the subordinate Oude officials unfavourable to the hereditary cultivators, which is subsequent to the date of the Record of Rights, we are justified, I think, in regarding as vitiated in its source. Any inquiry conducted under such instructions as are contained in the 31st paragraph must have been prosecuted under the strongest bias, and indeed the conclusive reason for believing that no investigation into the existence of these tenures has really taken place consists in the fact that the hands of the only persons who could have carried it out satisfactorily have been tied. I do not understand that Mr. Wingfield, even had his mind been free from bias, had any peculiar opportunity of investigating the question. The very character of the eminent services which he has rendered in managing, educating, and training to public functions and public spirit the new aristocracy created by Lord Canning, would seem to show that his intercourse has chiefly been with persons who, even if they had not had a strong interest in denying the existence of these tenures, have probably very imperfect ideas as to the difference which in a settled society is recognised between right and wrong. And the same observation applies to Mr. Yule's testimony, which, however, I agree with the Governor General in considering quite as favourable as it is adverse to the hereditary cultivators; but the position of the settlement officers is surely very different. I speak with hesitation on such a subject; but, if I understand correctly the duties of a settlement officer, there is no testimony comparable with his on a question of ancient right. The elements of such a question, both in India and everywhere, are twofold; first, the actual state of the enjoyment, past and present; and secondly, the opinion of the people about it—of the “neighbours,” as we should say in England, of the “villagers” in India. When a court of justice enters in England on the investigation of an ancient right, the rules of evidence are, to a certain extent, relaxed for the purpose of letting in evidence of opinion, and I venture to describe the duty of the judge and jurymen at such a trial as consisting in the effort to throw themselves into something like the position of an Indian settlement officer. I would apply to them, but with far greater emphasis, the language I have so often used of the incomparable advantages enjoyed by Courts of First Instance, as distinguished from all other tribunals. This priceless testimony has, however, as it seems to me, been sacrificed in Oude; it has been vitiated by the strong language of the Record of Rights; and yet there is just enough of it to lead us to suspect what result could have been arrived at if the inquiry had been unfettered.

7. These arguments will serve to show why I attach the utmost importance to the following passage from Mr. Wingfield's letter to the Governor General, of June 6th:—

“I quite subscribe to the doctrine that the pledges given by Lord Canning and conveyed in the sunnuds will not be infringed by maintaining any existing rights. It is on the existence of such rights on the part of non-proprietary cultivators that the issue turns. This the talookdars and I also venture to deny, and I can assure your Excellency that I have not come to this conclusion without much inquiry and reflection. Perhaps, had I remained in the North-West Provinces I should never have arrived at it, but here I have been brought face to face with native society in its unadulterated state, and, with no other wish than to learn the truth, I have been unable to discover any trace of tenant rights.”

I entirely accept the issue as raised by the talookdars. The question is simply as to the existence of beneficial hereditary tenancies in Oude; but I wholly deny that their non-existence has been proved or even inquired into; and I think I have given reasons for not regarding Mr. Wingfield's testimony as entitling us to dispense with independent evidence.

8. The course, therefore, which I would recommend is simply to take issue with the talookdars on the question they have raised. Let us for the first time have a full and free inquiry whether these rights exist. I would strike out from the Record of Rights, and from the instructions to settlement officers generally, so much as expresses any opinion of the existence or expediency of these rights, so much as appears to discourage their recognition, and so much as prohibits their
being

being recorded. No question of good faith with the talookdars is involved in such a course of proceeding; they do not urge that, if the hereditary tenants existed, we promised to abolish them; they merely assert their non-existence. I would, therefore, take every pains to convince the talookdars that the inquiry is perfectly unbiassed, and I would avoid the smallest appearance of antecedently assuming the existence in Oude of beneficial occupancy.

9. Whether these measures can be taken without legislation depends on the legal character of the Record of Rights. As his Excellency knows, a paper drawn by me has been submitted to the Advocate General, in which the arguments for and against the view that the Indian Council's Act has given validity to that document are marshalled with as much fairness as was at my command.

10. I would appoint a Financial Commissioner in Oude, not because I believe for a moment that Mr. Wingfield would pervert such an inquiry as I have suggested, but because, on his own statement, it would be distasteful to him to be the instrument of carrying out a policy of which he disapproves, but which I believe to be of much less serious consequence to the talookdars than he supposes.

11. It will be seen that I venture to dissent from the Governor General on the question of introducing into Oude the Bengal Revenue Regulations and Act X. of 1859. All these laws assume the existence of hereditary cultivators, and probably, according to the better opinion, of hereditary cultivators with beneficial rights; but I am most anxious not to make any antecedent assumption as to the existence of such a class in Oude. Further, Act X., through the operation of the section which crowns a twelve years' possession with the right of occupancy, contains a machinery for creating hereditary cultivators, whether previously known in Oude or not. To put such machinery into motion seems to me an act of injustice to the talookdars, if not a breach of faith. Just as we expect them to recognise old rights of occupancy, if proved to exist, so we should abstain from encumbering their estates with new rights confessedly non-existent heretofore. It should be remembered, too, that the talookdars can defeat the operation of the section by wholesale ejectments of every tenant-at-will who has not been in possession for 12 years. The evil of exposing them to such a temptation I need not dwell upon.

12. The question of the mode of dealing with the class of rights specifically called under-proprietary, takes a form somewhat different. Here there is no objection on any side to inquiry, and the tests laid down by the Chief Commissioner for deciding on the existence of these rights seem to me unexceptionable. The only point is as to the period from which the title is to be traced. The existing rule takes 1855; the Governor General would take some point of time much further back.

13. Here, again, the exact course to be pursued cannot be decided upon till we know what is the legal position of the Record of Rights.

14. The only question connected with these rights which seems to me to present any difficulty is that of good faith. The talookdars have consented to the tracing of the title from an earlier period, and I suppose accordingly that the matter is not of much importance to them; but Mr. Wingfield's language may, perhaps, be read as implying that their consent is conditional on our non-recognition of beneficial rights of occupancy.

15. Now, I think that every pledge given directly by the Government of India to any person or class of persons should be religiously respected. I would, therefore, hold the obligations of the sunnuds to be sacred; but the sunnuds contain no promise to limit the under-proprietary rights to rights commencing in any particular year.

16. It may be argued, however, that the policy of the Government having been openly declared and communicated to the talookdars, the publicity of the declaration carried with it an implied promise to maintain that policy. It seems to me an answer to this, that the policy of the Government was never finally settled, inasmuch as it was subject to the approval of the Secretary of State, which approval has been distinctly withheld. The importance belonging to the Record of Rights is, in fact, attributable to the accident of the Indian Council's

Act having been passed before the criticisms of the Home Government on Lord Canning's Oude policy had been received.

17. But, apart from this, I must urge that there are grave objections to admitting that any course of policy adopted or announced by the Government of India carries with it a pledge or promise to any class affected by it. It is too much the habit in India to complain of the abandonment by the Government of any particular principle or line of action, as if it involved a breach of faith to those who had profited by it. In old times, when the British Government had just succeeded to a despotic power which dealt with its subjects as if it were a single person, and did not affect to regard any interest but its own, it was not unnatural to look upon our declarations of policy as amounting to a personal engagement; but such a view of our position is irreconcilable with the functions of a Government which now pretends to exist for the advantage of its subjects, which is bound to carry out every measure which is likely to contribute to their happiness and prosperity, and which is not ashamed to admit that it learns by experience. In point of fact, the very existence of a regular legislature in India is inconsistent with the notion of our faith being pledged to the policy of any particular year or period. The indistinguishable blending of executive and legislative functions in the Government of India at the time when the permanent settlement of Bengal was affected, does seem to me to furnish some ground for looking on that measure in something like the light of a compact, but I think it would be preposterous now a days to put the same construction on the policy pursued in 1858 and 1859 towards the talookdars of Oude.

18. These considerations only touch the question of good faith. As a matter of policy, I most fully admit the inexpediency of abrupt recoils from one line of action to another. Knowing as we do how much the influence of this Government over the races which it rules depends on their impression of the stability and consistency of the principles which guide it, we must allow that it would be most unwise in the Government of India, as constituted during one five years, rashly and on the score of any trivial difference of opinion to break the thread of connection which unites it to the Government of the five years which precede it. In the present instance there seems to me a justification for interference in what I will not assume, but cannot help suspecting, to have been a cruel injustice; but certainly one reason for my preferring the course which I have suggested to that which the Governor General recommends is, that it does not appear to me to amount on the face of it to so open a departure from Lord Canning's policy.

19. The only further observations which I have to make refer to some passages in that letter of mine addressed to the late Lord Elgin which I mentioned before. In that letter I argued that, when the Secretary of State desired information of a particular kind regarding under-proprietary rights in Oude, he must have intended to include beneficial rights of occupancy among under-proprietary rights. Longer Indian experience and further acquaintance with this class of questions have, of course, convinced me that I was wrong, and that the Secretary of State's meaning was not that which I attributed to him. But, though the phraseology usual among Indian officials must, of course, be taken in the sense in which they use it, I am desirous of pointing out that, in this particular case, the Indian phraseology is inconsistent with the stricter usage of European economists and jurists. I would not dwell upon such a point if I did not think it of some practical importance.

20. I need scarcely say that, in the language of political economy, when rent is spoken of without qualification, the rent meant is always rent by competition. It is the price paid for the use of land by somebody who has hired the land from the owner, this price being always assumed to be the highest that can be got in open market. The other class of rents known as rents by custom and merely nominal rents, such as quit-rents and fee-farm rents, are never referred to merely as "rent."

21. Now, in the language of general jurisprudence, there are only two classes of rights,—rights of property and rights of contract. Every right which does not belong to one class necessarily belongs to the other. Of course, then, a right to a rent by competition is a right of contract, and the duty of paying such a rent is a duty arising out of contract. If, however, we take away any of the ingredients of contract, as for example the open market or the power of going

going into an open market, the rights and obligations involved cease to be rights and obligations of contract, and by a necessary consequence become rights and obligations of property. It follows from this that when a right of occupancy intervenes between landlord and tenant, their mutual rights and mutual obligations cease to come under the head of contract, on the ground that, by the hypothesis, there is no power of going into an open market. The question between a landlord and a tenant having a right of occupancy is, properly speaking, not what rent shall be paid, but how the produce of the property shall be divided between them. If we speak of rent at all in such a case, we must mean a rent belonging to the class of rents by custom.

22. An hereditary tenant possessing a right of occupancy is, therefore, correctly spoken of as a part or under-proprietor. This proposition is obviously true of a tenant with a beneficial right, because he pays less than the rate which would be determined by contract; but it is also, though not so obviously, true of a cultivator who has a non-beneficial right of occupancy, *i. e.*, who pays a rent equal to a rent settled in open market. For inasmuch as the rent has not in fact been settled between landlord and tenant in open market, there has been no contract, and the rights involved are rights of property.

23. I may relieve myself from the charge of pedantry in enlarging on a question of nomenclature by saying that, in the controversy on the Bengal rent question, the erroneous phraseology on which I have remarked seemed to me to assume genuine importance. A good deal of the discussion in the newspapers, and, indeed, of the argument in the High Court, appeared to resolve itself into the compendious proposition "rent is rent," *i. e.*, it was contended that a landlord is necessarily and naturally entitled to a market rate of rent from his tenant. But the truth is that rent is not always rent. The question at issue related to rents by custom and not to rents by competition, and hence all quotations from politico-economical writers were entirely irrelevant. The point to be decided was how the right of property was to be distributed between zemindar and ryot, and the question under this aspect might have worn a somewhat different appearance.

24. I have said that, as a mere matter of nomenclature, an hereditary tenant with a non-beneficial right of occupancy ought to be designated an under-proprietor; but I must add that I regard such a tenure as in the highest degree anomalous, and, indeed, if we could conceive the history of tenure in India to have been unbroken, I should say that it was an impossibility. The rent of a non-beneficial occupant has not been settled in open market, but yet the very existence of the tenure assumes the existence of an open market to determine the rate of rent. Now, occupancy tenures are very old in the history of the world; open markets for land are comparatively new. It is much easier to me to believe that hereditary tenants never existed at all in India or parts of India, than to believe that they always existed, but were always liable to a rack rent.

25. I perceive that, in the application to the High Court for a review of judgment in the great rent case, the learned counsel for the applicants (the ryots) quoted me as an authority for the proposition that in early times the relation of landlord and tenant is always regulated by status and not by contract. The citation is not quite in point, for the word status only applies to personal rights; but it is true that I have advanced the corresponding proposition, that in the ancient stages of society the distribution of the produce of land between owner and cultivator is never regulated by contract. The opposite view involves in truth an anachronism, tenure being much more ancient than contract.

26. Sir Barnes Peacock answered Mr. Montriau with the remark that, however true the proposition might be generally, it was not true of Bengal since the permanent settlement. And this is a sufficient answer if it be in conformity with fact. The permanent settlement, or the interpretation put on it by Bengal civilians of a certain school, may have reduced the original beneficial part ownership of the ryot to a non-beneficial occupancy. Just the same result may have been produced in Oude by the oppressions of the Government or its agents and subordinates. We have, in fact, two questions to solve by inquiry in Oude,—do hereditary tenants exist in Oude? If they exist, has their tenure retained its beneficial character?

MINUTE by the Honourable *G. N. Taylor*, 19 August 1864. "

I do not feel that I could profitably detain these papers, which came to me on the 16th, in order to enter at any length upon the various important questions to which their consideration gives rise. The subject is clearly and fully placed before us by his Excellency the Governor General, and Mr. Maine's remarks seem to me to clear the ground and to leave but little room for further comment.

From a perusal of this mass of papers, relating to the revenue system of Oude, I certainly derive the impression that under-tenures, conferring certain beneficial rights, do exist in that Province as in most other parts of India. On a question of this kind, which, I imagine, has occupied more or less the attention of every officer in the service at some period of his career, it is almost impossible to resist the bias of a preconceived opinion. Hence the very obvious necessity of the fullest and most careful investigation before a positive conclusion is adopted. Fixed theory should be entirely discarded in presence of the actual facts, and it should be the endeavour of the officer controlling the settlement operations to seek out and record all rights and interests connected with the land.

The absence, up to the present time, of an inquiry conducted in this manner, has deprived us of the actual facts in regard to Oude tenures. Hitherto, as Mr. Maine says, everything has been assumed, and the value of the testimony of the settlement officers has been impaired by the nature of the instructions issued to them. Proceeding upon the directions and orders contained in the Chief Commissioner's "Record of Rights," those officers can scarcely be regarded as free agents exercising an unbiassed judgment in respect of the rights of the subordinate classes.

I concur, therefore, in thinking that the course proposed by the Governor General should now be followed: that a full and free inquiry should be made, and the settlement proceed on fixed rules in modification of the present instructions. That this course may be adopted without any breach of faith, although it may involve a departure from the previously declared policy of the Government, is, I think, conclusively shown in paragraphs 16 to 18 of Mr. Maine's Minute.

The question for decision is, whether there are, or are not, hereditary tenants in Oude who are entitled to hold their lands on certain advantageous terms. It is obviously desirable that the officer entrusted with the inquiry, and with the control of the settlement operations, should be as free from bias in one direction as in the other. I therefore entirely agree as to the advantage of the proposed appointment of a Financial Commissioner altogether unconnected with past proceedings in Oude, the necessity for which Mr. Wingfield admits. The position of the Chief Commissioner will, undoubtedly, as he anticipates, be a difficult and a delicate one.

In our future proceedings every care should, I think, be taken to guard against error in the opposite direction, namely, the attempt to create any sort of right or interest in the soil which does not now exist, and has never existed. The assumption, either directly or by implication, of the existence of hereditary cultivators, with beneficial rights, should be as carefully avoided as the contrary assumption that they are unknown.

For this reason I adopt Mr. Maine's view, and would dispense with the introduction into Oude of the Bengal Revenue Regulations, including Act X. of 1859. I believe that the new Financial Commissioner will find little difficulty in ascertaining and determining what is the true state of the case, and in bringing the talookdars to a satisfactory compromise.

MINUTE by Sir *C. E. Trevelyan*, 23 August 1864.

I AGREE with the Governor General that, in making the settlement of the land revenue in Oude, all the subordinate rights in the land, *i.e.*, the rights which may exist between the talookdar and the mere tenant-at-will, should be carefully investigated, and equitably fixed and recorded.

Independently

Independently of any positive information we may possess, there are two strong reasons for presuming that such rights exist in Oude. First, they exist in every other part of India, and it is not likely that the landed tenures of Oude are entirely different from those of the provinces within which it is located, and of which it originally formed part, as well as from the tenures of the rest of India. The common law of India is, that the land belongs to a peasant proprietary, who are generally associated in village communities; that these peasant proprietors are bound to give to the State a certain moderate share of the produce commonly known as *hákímí hissa*; and that, when they are transferred to an intermediate holder, whether known as *jagheer*, *talookdar*, *zemindar*, or by any other name, the State can transfer only what is its own, *i.e.*, its own moderate share of the produce. The second ground of presumption is, that the settlement officers in Oude have, under every disadvantage, said enough to show that the prevailing impression among them is that such rights do exist.

It is not necessary for my argument to say in what form these rights exist, or even to say positively that they exist at all. To establish the necessity for investigation, it is enough to show a reasonable probability that they exist.

Lord Canning must have believed that such rights existed, else he would not have inserted a clause in the *sunnuds* granted to the *talookdars*, saving such rights. The existence of this clause altogether obviates any idea of breach of faith to the *talookdars*, arising from an investigation and declaration of subordinate rights. It also conveys to us a solemn warning. A similar saving clause formed part of the early legislation connected with the permanent settlement in Bengal; but, except in the Province of Benares, it was not followed up, as was intended, by an investigation and definition of subordinate tenures. Hence the greatest of the evils which have afflicted that province during the best part of a century, and one of the greatest causes of weakness and discredit to the British administration.

Under the loose native government of Oude, the village communities were generally able to maintain their own rights, and they were frequently in arms against the *talookdars*. We have deprived them of those means of redress; and deep will be the injustice if we hand them over, bound hand and foot, to their ancient rivals, refusing even to inquire into their claims. Under the former state of things, the *talookdars* feared to offend confederated brotherhoods, and they often stood in need of their assistance to maintain their own cause against the armed force of the native Government. These motives for indulgent treatment of subordinate holders have ceased to exist; and, if we do not substitute justice, founded on ascertainment of rights, which protects the weak against the strong by peaceable means, hard indeed will be the case of any persons possessing subordinate rights in the soil under the *talookdars*.

I agree that, without any reflection upon Mr. Wingfield, whose merits as a public officer stand upon the highest grounds, the further conduct of the settlement, including the investigation and adjudication of the subordinate rights, should be intrusted to a Financial Commissioner, independent of the Chief Commissioner.

I am also disposed to think with Mr. Maine and Mr. Taylor, that it would be advisable that the investigation should be conducted under amended instructions to the settlement officers, and not under the authority of the revenue regulations generally, to be introduced for that purpose, and in particular Regulations VII. of 1822 and IX. of 1833, as well as Acts X. of 1859, and XIV. of 1863. All that is useful and applicable in these may be embodied in the instructions of the Financial Commissioner in a clear and intelligible form, without giving rise to the complications which must be the consequence of the wholesale introduction of the revenue regulations.

Lastly, I am of opinion that the same rule of limitation should be applied to *talookdaree* as to *zemindaree* estates, that is, that no claims to subordinate rights in the land should be entertained which were lost 12 years prior to annexation.

MINUTE by the Honourable *W. Grey*, 23 September 1864.

IN the Minute of the Governor General, dated the 20th of June, the two subjects of under-proprietary rights and of occupancy rights are both discussed: there is in India a clearly recognised distinction between the two.

As it appears that with regard to under-proprietary rights the talookdars are willing to agree to the Governor General's wishes, I will not touch on that subject further than to say that I think his Excellency is unjust to Mr. Wingfield when he says that "ever since the re-occupation of Oude it has been the uniform aim of the Chief Commissioner to sweep away all subordinate rights in the soil, so that there should be no intermediate interest between the talookdar and the mere tenants at will."

I am bound to say, that in my opinion Mr. Wingfield's Instructions to Settlement Officers conclusively establish that he has been loyally endeavouring to act up to the orders which he received from Lord Canning, which orders required that all claims to a right in the soil intermediate between the ryot and the talookdar should be carefully investigated, and when established be recorded.

With regard to the other subject, that of occupancy rights, it would be idle to suppose that anything which I can say on such a subject can possibly have any influence on his Excellency the Governor General; who has been conversant for years with questions connected with landed tenures in India; and who, having decided opinions in one direction, has been entirely unmoved by such able statements as those which have been submitted to Government by Mr. Wingfield, and by Mr. Currie, the Settlement Commissioner in Oude.

It is my purpose therefore to confine myself very much to a short statement of what I conceive to be the actual position of the case, as I gather it from the records, saying only as to the essential point at issue, that I entirely concur in the view taken by the Chief Commissioner, Mr. Wingfield, and the Settlement Commissioner, Mr. Currie; and that having carefully read the reports of the district officers and the settlement officers, submitted to Government with Mr. Wingfield's letter of the 26th March, I am unable to agree in the conclusion drawn from those reports by the Governor General and by Sir Charles Trevelyan. Indeed, it really seems to me not too much to say that, so far from those reports proving that tenant rights of various kinds do exist, the only officers who seek to uphold that theory have written reports that are more calculated to discredit the theory than to establish it. I would refer especially to Mr. Capper's and Mr. Tucker's reports. The latter officer indeed can hardly be claimed as a supporter of the theory; for though he certainly urges the claim of the "idle Rajpoots," as he calls them, to hold their land on easy terms, he scarcely attempts to do so as a matter of right, but rather on grounds of policy. He urges that the privileges heretofore allowed to the "idle Rajpoots" by the landholders should be "for a time at least" secured to them by the Government, not, he adds, that he is "an advocate for granting privileges to the idle," but that he thinks "a paternal Government must treat with tenderness the short-comings of its subjects, and that it cannot at once expect those who have never learnt to labour to perform as much work as those who have been accustomed from childhood to constant drudgery," meaning the industrious koormees and other low caste cultivators whose cause he does not advocate. He seems, too, to intend that the Government, and not the talookdars, should bear the cost of the indulgence he would extend to the "idle Rajpoots;" for he suggests that the Government should assess lightly the lands held by these privileged classes, so as to induce the assent of the talookdars to the course proposed. The best considered report seems to me to be that of Mr. Simson, who in the end comes to much the same conclusion as Mr. Wingfield, viz., that while it may be true that old cultivators have a right of preference in the occupation of the land they have long cultivated, they have no right to demand that it shall be given to them at a cheaper rate than it is worth to other ryots.

I deduce then from these reports the conclusion that there is no ground for the general theory put forward by Mr. Campbell, that there are ryots in Oude with occupancy rights entitling them to pay rent at certain favourable and regulated rights; and it is because I think that it is really the setting up of this

general

general * theory which is now sought, and not an inquiry into individual rights susceptible of being substantiated by tangible proof, that I attach weight to what has already been done, and consider that the deliberate action of a former Government in the matter should not be reversed.

I proceed then to state briefly how the case appears to me to stand, being quite unable to agree in what I infer from expressions† in his Excellency's Minute to be the view of the Governor General that the question is entirely an open one, on which the Government of the day is free to take any course it may deem best.

I quite subscribe to the general principle enforced by Mr. Maine in the 17th paragraph of his Minute, but on the other hand I think, as regards the special case under consideration, that very strong grounds should be shown for reversing the line of action deliberately taken by a Governor General with reference to a province situated as Oude was situated in 1858-59.

I cannot think that the Governor General takes a correct view of the sunnud given to the talookdars when he deduces from its words that it expressly reserved the rights of the cultivators, meaning thereby the general right of old cultivators, to occupy the land on favourable terms.

I feel it necessary here to say, with reference to the opening words of paragraph 20 of the Governor General's Minute, that the letter addressed to the Chief Commissioner of Oude on the 17th of February last was not seen by me until I received his Excellency's Minute of June. I think it necessary to say this, because there are parts of that letter in which I could not have acquiesced; especially I could not have acquiesced in the condemnation of the Chief Commissioner's view in respect of its policy, nor in the wide application given in the 3d paragraph of the letter to the Secretary of State's Despatches of 24th April 1860, and 17th August 1861.

I shall have occasion to refer more particularly to these Despatches further on; I now return to the sunnud given to the talookdars.

The words of the sunnud, quoted by the Governor General in the 23d paragraph of his Minute, cannot, in my opinion, be truly construed as including the question of occupancy rights of cultivators, by which I mean that it cannot be shown that the words were intended to include such cases, and, consequently, that they could have been so understood by the talookdars. This seems to me to be quite conclusively established, if the letter of Government is referred to by which the revised sunnud was sent to Mr. Wingfield: this letter is No. 23, dated the 19th October 1859. It referred expressly to the words quoted by the Governor General, requiring that all persons holding an interest in the land under the talookdars shall be secure in the possession of the subordinate rights which they have heretofore enjoyed, and it then proceeded to explain those words in the following manner:—"The meaning of this is that, when a regular settlement of the province is made, whenever it is found that zemindars or other persons have held an interest in the soil intermediate between the ryot and the talookdar, the amount payable by the intermediate holder to the talookdar will be fixed and recorded." And the tenor of the following paragraphs of the letter, 5 and 6, also clearly indicate that what was being spoken of, and what was intended to be guarded by the sunnud, were under-proprietary rights, and not occupancy rights of cultivators, or tenant rights, as they are designated in the 27th paragraph of the Governor General's Minute.

If additional proof of this were needed, it is surely to be found in the fact mentioned in the 24th paragraph of the Governor General's Minute, viz., that in the Record of Rights, subsequently issued, no allusion to any such rights was made beyond deciding that no distinction was to be made in the records between cultivators at fixed rates and cultivators at will; nor can it be supposed that the point was overlooked by the then Governor General, for it was specifically adverted to and approved in the 8th paragraph of the reply made to the Chief Commissioner.

But it is stated in the Government letter of February last that this question
of

* The Governor General writes (paragraph 22), "The real question at issue is, are there or are there not classes of cultivators who hold their lands on tenures which entitle them to advantageous terms, which terms, if they cannot be settled to the satisfaction of landlord and tenant, ought to be determined by the settlement officers?"

† See particularly paragraph 22.

of tenant rights was included in the Despatches of the Secretary of State¹¹ above referred to, and Mr. Maine in his present Minute says that the approval of the Secretary of State to Lord Canning's policy in the matter was distinctly withheld, referring, as I understand, to the same Despatches. I do not think that this position will bear a close examination.

Paragraph 11.

In the Despatch of the 24th April 1860, Lord Canning's Despatch, No. 2, dated 29th October 1859, which sent home the correspondence relating to the sunnud, and the form of sunnud itself, is one of those acknowledged; and the reference to it is in these terms:—"I observe that the engagements into which you have entered with the talookdars provide for the protection of under-proprietors, and that when a regular settlement is made, in all cases where there is an intermediate interest in the soil between the talookdars and the ryot, the amount payable by the intermediate or subordinate holder to the talookdar will be fixed and recorded."

Surely this refers only to under-proprietary rights, and not to occupancy or tenant rights.

In the later Despatch, dated 17th August 1861, the Secretary of State refers to the previous communication of 1860; and, to my apprehension, the passage in which he does so is again clearly confined to the case of under-proprietors, not only because that is the term made use of, but because the Secretary of State expressly refers to a part of the Chief Commissioner's annual report which, undoubtedly, related only to under-proprietors, and not to cultivators. In this same paragraph the Secretary of State refers to having received from Mr. Wingfield (who was then in England) a copy of the Record of Rights, and though he says that he will withhold his full opinion on the contents of that paper until he should receive it officially, it is impossible to suppose that the 31st clause should have escaped his attention, or that, if it had seemed to him open to serious objection he would not have so stated. As regards under-proprietors, he did intimate an opinion that the definition of their rights was based too exclusively on the status of 1855, an additional evidence, if such were wanted, that he was speaking of under-proprietors in the received acception of the term, and not of mere occupying ryots.

Thus then the matter seems to have rested until the Judicial Commissioner, Mr. George Campbell, in his report for 1861-62 (received by Government apparently in August 1862), gave expression to an opinion that there were in Oude cultivators possessed of some privileges of occupancy by which they were distinguished from tenants at will, and that such rights ought to be recorded.

Mr. Wingfield upon this addressed Government, explaining in what respect he differed from Mr. Campbell. Mr. Campbell, equally with Mr. Wingfield, repudiated the idea of fixed rents, but he thought that ryots with rights of occupancy were entitled to pay rent at certain regulated rates, that is to say, at rates more favourable than those claimable from tenants at will. Mr. Wingfield's view of the case is contained in the following extract from his letter:—

"Though there are no cultivators in Oude entitled to hold at fixed rates, there are cultivators with rights of occupancy; but this right * * * does not restrict the landlord from raising the rent after due warning, if other cultivators are ready to give more for the land than the present occupant pays, and if it is a fair rent, and not an excessive one run up merely to oust him."

* * * * *

"The Chief Commissioner believes there is no foundation for Mr. Campbell's assertion that there were, under the Native Government, certain regulated rates (as he expresses it) at which cultivators were entitled to hold in Oude. The Chief Commissioner believes on the contrary that there was no limitation on the power of the landlord to raise the rent beyond what his own interest, which required that the land should not be left untilld, imposed on him. The Chief Commissioner is glad to find that Mr. Yule so entirely concurs in the view taken by him on the right of occupancy." (He here cites a paragraph of a circular issued by Mr. Yule while officiating as Chief Commissioner.)

I have thought it as well to introduce this extract here, because it carries on the narrative of the case; but for a fuller exposition of Mr. Wingfield's views, his letter of 26th March last, and other papers, should be read.

Subsequently Mr. Campbell's remarks attracted the attention of the Secretary of State, and in his Despatch, dated 9th June 1863, referred to in paragraph 15 of the Governor General's Minute, he certainly wrote as though the rights of occupying

occupying

occupying cultivators, discussed by Mr. Campbell, were of the same class of rights as those of which he had previously written in his Despatch of August 1861. But, as I have already shown, it seems impossible to read the Despatch of 1861 as applying to any rights except those of under-proprietors, that is to say, persons having "an intermediate interest in the soil between the talookdar and the ryot."

The actual position of the case then, it appears to me, may be stated as follows :

(1.) That Mr. Wingfield declared, and reported his conviction to Government, that no general right existed on the part of the cultivators in Oude, whether the old indigenous low caste ryots, or the Brahmin and Rajpoot ryots, to hold the land under what is called a beneficial tenure, that is to say, paying a lower rent for it than other ryots generally would be willing to pay.

(2.) That this condition of the case was accepted and confirmed by the then Governor General, Lord Canning.

(3.) That accordingly the sunnud given to the talookdars, conferring on them the heritable and transferable proprietorship of their estates, did not contain, and was not meant to contain, any reference to such a right.

(4.) That the sunnud so issued was approved by the Secretary of State.

(5.) That it is now proposed, in consequence* of a statement made by Mr. Campbell in his annual report on the judicial administration, to the effect that he believed the ryots in Oude were entitled to hold the land at certain regulated rates, by which expression he meant rates according to some defined proportion of the produce, to re-open and investigate afresh the question as to the general rights of the cultivators in Oude.

* See paragraph 8 of the Governor General's Minute.

This seems to me to be a correct statement of the case, as it appears on the written records of Government. I have said that it is proposed to investigate the question as to the general right of the ryots to hold on favourable terms, because I have understood his Excellency the Governor General to say, that he is willing that the instructions to the newly appointed Financial Commissioner should take that shape, and that he does not desire to press the proposition made in his Minute to introduce at once into Oude, without any inquiry, Act X. of 1859, and other revenue regulations of the Bengal Presidency.

I regret that I cannot concur in the expediency even of this modified proposal. In dealing with the question of the propriety of reversing the acts of a former Government, no certain rule, applicable to all circumstances, can be laid down. Granting, as doubtless all will do, that *prima facie* it is inexpedient to do so, and that a case of justification should be established, it must yet be expected that there will generally be a difference of opinion as to each particular case in which such a course is proposed. All, therefore, that I desire to say on the point is, that having carefully, and to the best of my ability, examined the circumstances of the present case, I cannot feel satisfied that sufficient ground is shown for questioning the decision which was come to by Lord Canning. In consequence of Mr. Campbell's statement, the officers of the province have already been called upon for their opinions, and, as I have said above, the opinions of the great majority seem to me in the strongest degree corroborative of the previous decision, while the few who have sought to uphold the theory propounded by Mr. Campbell have not supported it by argument to which, in my opinion, weight can reasonably be attached.

And I would add that, whatever doubt may be held to exist as to the possession of a beneficial right of occupancy by the ryots in more ancient times, it does appear to me to be quite beyond doubt that under the Native Government, which was superseded by us, no such right was enjoyed, and that all the privileges which any cultivators possessed, such for instance as that enjoyed by the "idle Rajpoots," were only what was allowed by the landholders in their own interests, and for their own advantage.

Therefore, it seems to me that, if Mr. Campbell's theory shall now prevail, we shall unquestionably be creating a right, so far at all events as the present generation of cultivators are concerned, and that we shall be creating such right in derogation of the right which was bestowed upon the talookdars by Lord Canning in 1859.

MINUTE by the Governor General, 27 September 1864.

I MAKE the following observations in rejoinder to Mr. Grey's Minute, dated the 23d instant, concerning under-proprietary and occupancy rights in Oude.

2. I have no desire to canvass Mr. Wingfield's measures with undue severity, still less to question the loyalty of his execution of the instructions which he received; but I still consider that in applying to Government to have the proprietary right of the talookdars, as awarded at the time of the summary settlement, confirmed in perpetuity without further inquiry, in his strict interpretation of the orders of Government, acknowledging the rights of under-proprietors, both through his circulars and in his appellate capacity, and lastly, in his exclusion, without investigation, of all claims to beneficial occupancy by cultivators, Mr. Wingfield has, as a matter of fact, shown an indisputable determination to sweep away, so far as in him lay, all rights intermediate between the talookdar and the mere tenant at will. In so doing, I have no doubt that Mr. Wingfield followed honestly the bent of his own convictions, and my trust in his official uprightness and capacity was sufficiently manifested by my offer to leave the treatment of these controverted questions to his sole control, on condition of his conforming to the modifications which I deem necessary. That he declined to acquiesce in this condition is an additional proof, were any needed, of the tenor of his conduct and of the bias of his mind.

3. As regards the question of the rights of cultivators, I must observe that Mr. Grey, in the summary of his argument at the conclusion of his Minute, has transposed the order of time in which the proceedings took place. He would make it appear that Mr. Wingfield first obtained the sanction of the Governor General to the exclusion of cultivators from any beneficiary rights, and that afterwards, or "accordingly, the sunnud was given, which was not meant to contain any reference to such a right."

4. What are the facts? The form of sunnud was sanctioned by the Governor General in a letter, dated 19th October 1859, which contained the clause that "all holding under the talookdar shall be secured in possession of all the subordinate rights they formerly enjoyed." The Chief Commissioner's directions relative to the Record of Rights were transmitted to Government on the 7th September 1860, and sanctioned, as regards paragraph 31, on the 8th of January 1861. No inference, therefore, as to the original intention with which the sunnud was framed can be founded on the fact of paragraph 31 having been approved by Government.

5. A reference also to the wording of paragraph 31 will also show that Mr Wingfield was not himself, at the time of writing it, under the impression that he was barred by the sunnud from hearing the claims of cultivators; his arguments are those of expediency only. He states that he has determined to make no distinction between cultivators at fixed rates and cultivators at will; but implies that if nothing less than to give a right of permanent occupancy will suffice to guard the ryot from ill-usage, then the measure may be justified, but that it would be wanton meddling to create an element of discord without necessity. This is not the language of a man who feels that he is restrained by a formal document from taking a particular step.

6. Again, how was the approval of Lord Canning signified? "The Governor General approves generally of your instruction to make no distinction between cultivators on fixed rates of occupancy and tenants at will." It is quite clear that Lord Canning had no suspicion that he was prevented from withholding approval by the terms of the sunnud. It may fairly be assumed that he considered it a question of revenue detail with which he was not qualified to deal, and which he, therefore, committed to the discretion of the Chief Commissioner, reserving a power of future interference to himself.

7. In his Despatch of the 19th August 1861, the Secretary of State mentioned that he had received a copy of the Record of Rights paper from Mr. Wingfield, but would withhold his full opinion on its contents. Mr. Grey considers that it is impossible to suppose that the 31st paragraph should have escaped his attention,

or

or that if it had seemed to him open to serious objection he would not have so stated. I cannot assent to this view: the Secretary of State probably regarded the rights of the cultivators as a question which required to be thoroughly discussed by the local authorities before it could be advantageously treated by him.

8. Having thus shown that the sunnud cannot fairly be construed, as regards its alleged negation of the rights of cultivators, by the rules prescribed by the Chief Commissioner, and founded on his theoretical opinions, I will now examine Mr. Grey's statement that the sunnud itself contained, and was intended to contain, no reference to such rights.

9. I have quoted above the words used; in their literal sense they do obviously include all rights in the soil intermediate between the ryot and the talookdar.

10. The Government letter, sanctioning the form of sunnud, expressly states that through "it all persons holding an interest in the land under the talookdars will be secured in the possession of the subordinate rights which they have heretofore enjoyed." And it is explained that "the meaning of this is, that wherever it is found that zemindars or other persons have held an interest in the soil intermediate between the ryot and the talookdar, the amount or proportion payable by the intermediate holder to the talookdar will be fixed and recorded, and remain unchanged during the currency of the settlement." No. 23, dated 19 October 1859.

11. And again "that the talookdar cannot complain if the Government takes effectual steps to re-establish and maintain in subordination to them the former rights of other persons, whose connection with the soil is, in many cases, more intimate and more ancient than theirs." And lastly, that "whilst the talookdaree tenure is to be recognised and re-established, because it is consonant with the feelings and traditions of the whole people of Oude, the zemindaree tenure, intermediate between the tenures of the talookdar and the ryot, is not a new creation; and it is a tenure which, in the opinion of the Governor General, must be protected."

12. Now it is contended by Mr. Grey that it cannot be shown that the words of the sunnud were intended to include the occupancy rights of cultivators, and consequently that they could not have been so understood by the talookdars. This opinion is founded principally in the fact that in subsequent correspondence, to which he refers, between the Chief Commissioner, the Supreme Government, and the Secretary of State, the words of the sunnud are taken to refer to under-proprietary tenures; though Mr. Grey himself admits that in his Despatch, dated 9th of June 1863, the Secretary of State certainly wrote as though the rights of occupying cultivators were of the same class of rights as those of which he had previously written in his Despatch of August 1861. Mr. Grey is of opinion that it is impossible to read the latter Despatch as applying to any rights except those of under-proprietary; but having been consulted as a Member of the Council of India concerning the preparation of that Despatch, I am able to affirm that, although the case of under-proprietary was that immediately referred to, I fully understood the general injunction for the clear definition and jealous protection of the rights of under-proprietary to include those of hereditary cultivators.

13. It appears to me, however, that there is no need to advert to the interpretation which may have been placed on the wording of the sunnud by various authorities; its phraseology is most cautious and general: it provides that all holding under the talookdars shall be secured in all the subordinate rights they formerly enjoyed. And in the letter transmitting it the Government expressly stated that the rights of other persons, as well as of zemindars, should have their rents fixed and recorded. If the talookdars have not understood that such rights were protected, it must be attributed not to the wording of the sunnud, but to the practical limitation given to its terms by the refusal to admit the claims of cultivators.

14. The sense of the clauses is, to my mind, unmistakeable as it stands; but I also infer from the decided declaration of Lord Canning that the zemindaree tenure must be protected, because it was not a new creation; that he had no intention of silently extinguishing any other subordinate rights in the soil: right or wrong, he did intend to maintain the talookdar in such possessions and

rights as had been acquired within a certain period. There is no evidence, but a strong presumption to the contrary, that, in addition, he intended to enable him to absorb minor rights which had hitherto evaded his grasp.

15. I am therefore entitled to deny that I propose any reversal of the policy of a former Government. I maintain, indeed, that I am merely providing for its expansion to its contemplated dimensions. Mr. Maine has explained that an hereditary tenant may be technically designated with more accuracy as an under-proprietor; and it is quite certain in fact that his rights, where beneficiary, are just as dear to him as those of a zemindar, and just as worthy of the protection of Government.

16. Mr. Grey, I must remark, goes further even than Mr. Wingfield, who says in his letter of June the 6th, "that he admits that the pledges given by Lord Canning, and conveyed in the sunnuds, will not be infringed by maintaining any existing rights."

17. The real question therefore is, do the rights in question exist or not? Mr. Grey answers in the negative, basing his opinion on the reports of Mr. Wingfield, Mr. Currie, and the settlement officers.

18. To this point I need not give much time. I see no reason for any deviation from the simple and open procedure followed in other provinces, whereby those claiming rights of any sort are required to bring their cases before the officers deputed to hear them, and to abide by the decisions given on a consideration of the facts proved. I hold it to be quite insufficient that the superior officers, themselves holding extreme views of the rights of the talookdars, and much interested politically in their maintenance, should have adopted certain views. Nothing but the fair judicial hearing of each individual claim and its decision, according to the ascertained and established custom and usage of the locality, will, in my opinion, satisfy justice. These remarks apply also to the reports of the settlement officers, who have not been placed in that independent and uninfluenced position which alone can enable them to investigate impartially the facts of this controversy. I do not quite understand why Mr. Campbell's opinion that occupancy rights exist should be prescribed as a theory, whilst Mr. Wingfield's denying them should be implicitly admitted, seeing that the former only held a position independent of the executive administration and had no preconceived view.

19. In conclusion, I submit that if these rights can be investigated without any breach of the sunnud, and if no sufficient investigation of them has yet been made, it is the bounden duty of Government to provide for them a fair hearing: were it necessary I should be prepared to go further. It is indeed impolitic to disappoint expectations formally held out to an influential class; but, in my opinion, it is far more so, by perseverance in an error, to permit the silent extinction of the immemorial rights of vast numbers of the agricultural population.

MINUTE by Sir *H. Rose*, 17 October 1864.

I AM, as may be readily supposed, not master of this purely civil question, but an attentive perusal of the Minutes leads me, as a member of the government of the late Viceroy, Earl Canning, to say that I should regret and deprecate the concession of tenant rights, of whatever nature they may be, not sanctioned by law or equity, to any inhabitants of Oude, which are in conflict with, or would compromise, the rights granted formally and officially to the talookdars, &c., by Earl Canning's government.

I should regret it the more if such a concession, not based on positive right, affected a great, and, I venture to think, a wise feature of his Lordship's policy, the maintenance of an Indian aristocracy, an useful link between the Government and the ignorant masses, which enables the former to obtain an insight into, and control, the feelings and passions of the people.

Oude,

Oude, from having been the most turbulent, is now one of the most tranquil provinces in India. It would be a matter of regret if inquiry, which might prove unnecessary, into tenant rights in Oude, and there is no such fertile source of agrarian agitation and discontent as contested tenant rights, were to disturb the propitious calm of one of the most influential positions of India.

I have before expressed the opinion that in their own interests, and those of the people, the talookdars of Oude should not be allowed to collect revenue.

The collection of revenue is, I venture to think, the duty of a government, and not the right of an aristocracy.

From *C. U. Aitchison*, Esq., Under Secretary to Government of India, Foreign Department, with the Governor General, to the Chief Commissioner of Oude; (No. 284), dated Simla, 30 September 1864.

His Excellency the Governor General in Council, having had under consideration the correspondence marginally noted, and having conferred personally with yourself on the subjects to which it relates, directs me to communicate to you the following observations and orders:—

13 June 1863,
No. 1701.
2 March 1864,
No. 635.
20 March 1864,
No. 932.

2. In this office letter, No. 23, dated 19th October 1859, it was explained that the Government desired to take effectual steps to re-establish and maintain, in subordination to the talookdars, the former rights, as these existed in 1855, of persons having an ancient and intimate connection with the soil. Accordingly, in your circular, No. 8, dated 7th September 1860, regarding the preparation of the Record of Rights, you laid it down that in talookdaree estates such rights only as were in existence in 1855, or just before the annexation of the province, could be recognised and maintained; but as in other estates the proprietary rights had not been declared by Government to be permanently assigned, suits for them might be brought within a period of 12 years dating from the time of the summary settlement or of their institution. This circular was approved generally by the Supreme Government, but being placed in the hands of the Secretary of State, he remarked that the definition of the rights of the subordinate holders was based too exclusively upon the status of 1855, which was a period of misrule and disorder.

Para. 9, No. 105,
dated 17 August
1861.

3. The Secretary of State had previously observed that "it would have been politic to have fixed a period within which all claims to the recovery of rights in the soil might have been heard. A period of 12 or even 20 years before our rule; considering the state of misrule into which Oude was plunged for some considerable period previous to annexation, would have been fair and reasonable."

Para. 7, No. 33,
dated 24 April
1860.

4. In your demi-official letter, dated 6th of June last, you have explained that the talookdars are not unwilling to agree to an extension of the period of limitation for the hearing of claims to intermediate rights, and that you are also yourself prepared to acquiesce on the expediency of this modification of your circular.

His Excellency in Council, therefore, directs that all such claims shall be admissible to trial on their merits, provided that dispossession from the rights and interests existing in 1844, or 12 years prior to annexation, cannot be proved.

5. It is to be understood that by such suits nothing can be acquired beyond the most favourable terms enjoyed by the suitors in any one year since the incorporation of their lands with talooka, and not the equivalent of their former rights, viz., a sub-settlement at 5 per cent. on the Government demand.

6. The mere holding of a temporary lease would, of course, not prove any intermediate proprietorship.

7. The second important subject discussed in the papers under review is that of the occupancy rights of cultivators.

8. His Excellency in Council would have preferred that the talookdars themselves should have realised the necessity for allowing the assignment and record

of such rights according to the usage of the country and in the manner which has ordinarily been followed in making settlements of the land revenue; but as they deny the existence of such rights, it has been necessary to consider the question in some detail. It has been urged that the recognition of such rights may be regarded by the talookdars as a breach of faith on the part of the Government. On this point his Excellency in Council must premise that, while all specific engagements of the Government with individuals ought to be, and will be, religiously respected, there are, generally speaking, grave objections to admitting that any course of policy adopted or announced by the Government of India carries with it a pledge or promise to any class affected by it. In old times, when the British Government had just succeeded to a despotic power, which dealt with its subjects as if it were a single person, and did not affect to regard any interest but its own, it was not unnatural to look upon our declarations of policy as amounting to a personal engagement; but such a view of our position is irreconcilable with the functions of a Government which now pretends to exist for the advantage of its subjects, which is bound to carry out every measure which is likely to contribute to their happiness and prosperity, and which is not ashamed to admit that it learns by experience. In point of fact, the very existence of a regular legislature in India is inconsistent with the notion of our faith being pledged to the policy of any particular year or period.

9. But, further, his Excellency is of opinion that, in the present instance, there is no room for the assertion that the recognition of cultivating rights, provided their existence is judicially established, involves any departure from Lord Canning's pledges. These are contained in the sunnuds given to each talookdar. By these documents the full proprietary right in the villages composing the talookas was granted on condition that "all holding them should be secured in the possession of all the subordinate rights they formerly enjoyed."

No. 6268, dated
10 October 1859.

10. Prior to the determination of the wording of the sunnuds, it was stated to you by the Government of India that the proprietary "right was conceded, subject to any measures which the Government may think proper to take for the purposes of protecting the inferior zemindars and village occupants from extortion and of upholding their rights in the soil in subordination to the talookdar."

To Oude, No. 23,
dated 19 October
1859.

11. Again, when the form of sunnud was sanctioned, it was explained by the Government that "its meaning was, that when a regular settlement of the province was made, wherever it was found that zemindars, or other persons, had held an interest intermediate between the ryot and the talookdar, the amount or proportion payable by the intermediate holder to the talookdar, and the net jumma finally payable by the talookdar to the Government, would be fixed and recorded after careful and detailed survey and inquiry into each case, and will remain unchanged during the currency of the settlement." It was added that the only effectual protection which the Government could extend to these inferior holders was to define and record their rights and to limit the demand of the talookdar, as against such persons, during the currency of the settlement, to the amount fixed by the Government as the basis of its own revenue demand, and also that the reason for protecting the zemindaree tenure intermediate between the tenures of the talookdar and the ryot was that it is not a new creation.

To Oude, No. 23,
dated 19 October
1859, paragraphs
5 and 6.

12. In approving of the clause protecting the intermediate tenures, the Secretary of State stated in para. 11 of his Despatch, No. 7, dated 8th February 1860, that he observed that the engagements into which Lord Canning had entered with the talookdars provided for the protection of the under-proprietors, and that when a regular settlement was made, in all cases, where there is an intermediate interest in the soil between the talookdar and the ryot, the amount payable by the subordinate holder to the talookdar would be fixed.

13. His Excellency in Council is aware that the rights principally in view in the discussions above quoted were those of the maliks or village proprietors; but his Excellency is also fully convinced both that there was no intention on the part of the Government to abandon the rights of cultivators, if such existed, to the mercy of the talookdar, and also that the wording of the sunnud was so cautiously and widely framed as to prevent any such intention being fairly deduced from its terms.

14. This

14. This point need not, however, be argued at a greater length, as you, in common with talookdars themselves, acknowledge that, if beneficiary occupancy rights exist, they are entitled to record and protection.

15. The sunnuds were confirmed by the Government of India on the 19th of October 1859. On the 7th of September 1860 you submitted for its approval certain instructions which you proposed to issue concerning the preparation of the Record of Rights. In paragraph 31 of that paper you stated that you had determined to make no distinction in the records between cultivators at fixed rates and cultivators at will; you regarded this measure as unwise, and remarked that the question had not been stirred by the cultivators themselves; you did not then state that cultivators having rights different from those of tenants at will did not exist.

16. In paragraph 8 of its Despatch, No. 11, dated 8th of January 1861, the Government of India generally approved of your instruction to make no distinction between the two classes.

17. The question has been raised whether or not under Section 25 of the Indian Council's Act, your instructions concerning the Record of Rights have the force of law; these instructions have not yet received the confirmation of the Secretary of State, and the opinion of the Advocate General has been received denying their legal validity. A copy of his letter on the subject is annexed for your information and guidance.

18. In reply to a reference from this office, you have transmitted the opinions of the Settlement Commissioner and his subordinates, together with your own, on the subject of the existence of rights of occupancy in Oude. The Governor General in Council has perused this correspondence with interest. The opinions expressed by different officers are various, and your own has undergone some change; for, whereas you at first believed that occupancy rights of some kind did exist, and recommended that claims to them should be tried by the ordinary revenue courts, you have since modified this opinion, and now report that no such rights were known under the Native Government.

From Chief Commissioner to Foreign Secretary, No. 3136, dated 15 December 1862, paragraph 2.

"He (the Chief Commissioner) never professed to ignore the existence of cultivators with right of occupancy as distinct from mere tenants at will, but as he was convinced that there were no cultivators with rights of occupancy at fixed, i.e., unvarying, rates in Oude, he drew a broad line of separation, and did not think it necessary to particularise cultivators with or without rights of occupancy. Indeed, he does not think the determination of this latter question and of what will hereafter constitute a fair rate of rent subjects for general investigation at settlement. The Chief Commissioner would leave each case to be decided as it may arise in summary suit for rent or ouster."

19. But his Excellency in Council observes that, considering the exclusion of such claims from all hearing during the progress of the settlement, when only the existence of such rights can be fully and thoroughly investigated, an exclusion which, under your instructions, has been uninterrupted since the re-conquest of the province, serious doubts remain whether sufficient opportunity has been given for the investigation, or sufficient data accumulated for the decision, of the question whether these customary rights exist or not.

20. His Excellency in Council is clearly of opinion that it was the intention of Lord Canning's Government that these rights should, in common with others, be inquired into at the time of settlement. Remembering that the reaction from the zemindaree settlement in Bengal (in the execution of which most of the subordinate rights were sacrificed) led to the detailed system of survey and record afterwards introduced into the North-Western Provinces, and that a reaction from the latter system again took place owing to the power displayed by the talookdars during the mutinies, his Excellency believes that, in restoring the talookdaree tenure, which was identical with the zemindaree of Bengal, Lord Canning desired to do so with a reservation of those subordinate rights of all kinds the suppression of which in Bengal had caused such just and prolonged complaint and dissatisfaction. He desired to preserve the influence and superiority of the talookdar, which had been found so potent and extended, but not to abrogate the existing rights of any other persons whatever.

21. His Lordship's intentions in favour of the talookdars have been amply fulfilled: howsoever acquired, the component villages of talookas at the time of annexation are still attached to them. The revenue payable by the talookdars has been limited to one-half the rent nominally, and practically to much less, and it will probably hereafter be assessed in perpetuity. Under our Government

the resistance to the talookdar by the village communities has been rendered impossible; their services as soldiers and followers can now be dispensed with; the talookdars, in short, whilst supported by the strong arm of the law in all the valuable rights conceded to them, are, owing to the changes of time and circumstances, no longer acted upon by many of the incentives which inclined them to admit and to continue the rights and privileges of the inferior classes.

22. It appearing, therefore, to the Governor General in Council that whilst, on the one hand, there is no bar, either in good faith or in law, to the recognition and registration of whatever rights of cultivators can be proved to exist, and, on the other, that no sufficient inquiry has been made concerning the fact of their existence, it is simply a duty incumbent on the Government, and in perfect harmony with the intentions which have heretofore been expressed, to make provision for the impartial hearing of all such claims.

23. With reference, however, to the additional work which will accrue in consequence of these orders; as well as to your own expressed wish that you may be relieved of its details, I am directed to inform you that his Excellency in Council has been pleased to revive the appointment of Financial Commissioner for Oude, and to appoint to the office Mr. R. H. Davies, lately Secretary to the Government of the Punjab.

24. The Financial Commissioner will occupy the same position and exercise the same powers as were assigned to the office when first instituted.

25. In all judicial cases within his jurisdiction his orders and decrees will be final; but in administrative matters he will be subject to your general control.

26. The restoration of this office renders that of Settlement Commissioner unnecessary; and as the appellate and general work in the three existing commissionerships is considerably on the increase, and it is desirable to secure for the settlement the active and detailed supervision of the Commissioners in each division, his Excellency in Council has decided on reconstituting the Baiswarra division, which was formerly absorbed on the appointment of the Settlement Commissioner; Mr. C. Currie will, accordingly, revert to the Baiswarra Commissionership.

27. I am to request that you will direct the Financial Commissioner to lose no time in revising the Revenue Circulars, so as to bring them into accordance with the foregoing orders.

28. His Excellency in Council also desires that the judicial work connected with the settlement, especially the portion which can be disposed of independent of the survey, may be pressed forward. It appears to his Excellency that the agency of the Deputy Commissioners not employed upon the settlement, whenever these officers are considered competent for the work, might be employed for the purpose with good effect.

29. Lastly, I am to enjoin that you will carefully impress upon the talookdars that, whilst his Excellency in Council has no desire or intention of infringing the terms of the sunnuds granted them so long as they abide by the conditions binding on themselves, his Excellency is equally resolved that the just and benevolent designs of the Government towards the holder's subordinate rights and interests secured to them by the same documents shall not be frustrated.

(Foreign Department, Revenue—No. 11.)

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Her Majesty's Secretary of State for India.

Sir,

Fort William, 9 December 1864.

WE have the honour to forward for the information of Her Majesty's Government, copy of a letter from the Secretary to Chief Commissioner of Oude, submitting, with Mr. Wingfield's view thereon, a Report on the settlement operations

operations in Oude during the year 1863-64, together with copies of the replies and of a correspondence in connection therewith, as per accompanying abstract of contents.

We have, &c.
 (signed) *J. Lawrence.*
R. Napier.
H. B. Harington.
H. S. Maine.
C. E. Trevelyan.
W. Grey.

From the Secretary to Chief Commissioner of Oude to the Secretary to Government of India, Foreign Department, with the Governor General; (No. 2362) dated Lucknow, 27 July 1864.

I AM directed to forward to you the accompanying copy of Report on settlement operations in Oude during the year 1863-64, together with a copy of the Chief Commissioner's review of it.

2. The Chief Commissioner has not, you will observe, confined himself to a brief review of the settlement operations, because he wished to give a clear idea of the principles on which the settlement is being conducted and of the peculiar nature of the work.

3. At Mr. Currie's request, the Chief Commissioner sends a pamphlet written by him, on the principles on which subordinate rights in the land are recorded. This has been printed by him for private circulation only, and not under the authority of the Chief Commissioner, who is in no way responsible for the opinions therein expressed, though he concurs in most of them. He certainly agrees with Mr. Currie in thinking that the settlement officers in the North-Western Provinces went beyond the law, which forbids them to do anything tending to disturb possession. They seem to have argued that possession of one thing proved a right to another, for they considered the traces of former proprietary right, shown in the possession of a few beegahs of seer or rent-free land, or a little nankar, or even a few trees, sufficient to establish a title on the part of the village residents to a sub-settlement, or the full proprietary possession of the village.

4. The Chief Commissioner cannot but think the rule followed in this province more just and more in accordance with the spirit of the law, that is, to require proof of actual possession of the thing claimed within the period of limitation, be that what it may, and not to admit the doctrine of constructive possession.

5. It is the Chief Commissioner's belief that a settlement on the principles on which this is being conducted would have completely satisfied the highest expectations of the under-proprietors at annexation, but naturally many of them cannot forget the position they attained to then, and despite the sunnuds given to the talookdars, cherish the hope that another sudden change of policy may bring back the measures of 1856.

6. The Chief Commissioner trusts that his Excellency the Governor General in Council will allow Mr. Currie's Report and his review of it, excepting those paragraphs noticing the conduct of officers, which are confidential, to be printed, as it is very desirable that the different settlement officers should know what is going on in all parts of the province.

From *Charles Currie*, Esquire, Settlement Commissioner of Oude, to Major *J. Reid*, Secretary to Chief Commissioner of Oude; (No. 2985) dated Lucknow, 4 July 1864.

I HAVE the honour to submit the Annual Report of the Settlement Department for 1863-64, together with the statements sanctioned in your letter, No. 333, dated 3d February last. The Reports of the several settlement officers and of the Assistant Superintendent of Settlement and Surveys are forwarded in original, copies having been kept for record in my office.

PART I.

Section I.—Demarcation of Boundaries.

2. The attention of the assistant superintendent of settlement and surveys was primarily directed towards ascertaining that the village boundaries were in proper order for the revenue surveyor's operations in two tehsils of each of the districts, Sultanpore, Fyzabad, Durriabad, Seetapore, and Hurdul. For three months Rae Guneshee Lall, extra assistant commissioner, was engaged on this work in the Fyzabad and Sultanpore districts, and Mr. Kavanagh was similarly occupied in the other districts, but was unable personally to inspect the village boundaries in Durriabad and Hurdul, as it was necessary for him to decide the boundary disputes in two tehsils of Seetapore to enable the revenue surveyor to commence operations in that district.

3. Mr. Kavanagh reports that the revenue surveyors have informed him that in the Fyzabad and Hurdul districts the boundaries were not found completely marked, and their operations were thereby retarded. Considering the time that has elapsed since the boundaries in the Fyzabad district were marked off, there is some excuse for the incomplete state of the village boundaries in that district, but no such excuse can be put forward in the case of the Hurdul district. I have reason to believe that Lieutenant Colonel Vanrenen, the revenue surveyor in this district, was obliged to re-survey a very considerable number of villages, owing to the discrepancies between the boundaries marked on the ground and those shown in the demarcation maps. The demarcation establishment cannot, in my opinion, be justly blamed for this, for it is impossible to check the correctness of every boundary annually; and if the ameen deputed by the assistant superintendent satisfies himself that the boundary pillars are standing, it is as much as can reasonably be expected of him. But it appears to me that the responsibility of the landholder for the preservation of the boundary pillars of his estate should be more rigidly enforced than it is at present. Mr. Kavanagh states that omissions in erecting every one of the boundary pillars, or in putting them in their proper places, are not punishable; such omissions do not come under the definition of "wanton injury," especially where the boundary pillars having been once erected, are destroyed by the rains and floods; nevertheless, I am of opinion that in restoring the boundary pillars after the rains, the proprietors, in many instances, knowingly alter the original boundaries, and in such cases they render themselves liable to punishment on conviction. Instructions will be issued to Mr. Kavanagh on this subject, and I trust that during the ensuing cold season the revenue surveyors will have less cause of complaint.

4. The demarcation and survey of village boundaries has been carried on in the districts of Hurdul and Mahomdee. Operations commenced early in December, and by the end of the season the demarcation of the Hurdul district, except where the boundaries are contested in tehsils Bilgram and Shahabad, was completed, and also tehsils Mahomdee and Alee Gunje, and a portion of the sudder tehsil in the Mahomdee district, leaving only about 500 square miles unsurveyed. The annexed statement, marked A., Appendix I., shows that 2,311 villages were surveyed and demarcated (excepting where the boundaries are disputed) at a cost of Rs. 9. 5. 5 per square mile. This rate is somewhat higher than that of last year, 1862-63, though very considerably below the rate of preceding years. The assistant superintendent does not mention in his Report the extent to which he had been aided by the village boundaries having been set up by the district authorities before the survey commenced; but there can be but little doubt that such aid was afforded, and that to this must, in a great measure, be attributed both the rapidity with which the ameens are now enabled to work and the small cost of survey.

5. At the commencement of the year there were 1,135 boundary disputes unadjusted. I stated in my last Report that it was anticipated that a great majority of these would be amicably arranged: such has been the case. Out of 1,890 cases on the files during the year, viz., 1,135 pending at the commencement and 763 instituted during the year, 953 have been amicably adjusted and 259 decided by the officers, nearly all of them on the spot, leaving 686 to be decided.* The number of cases judicially decided appears small, but it must be remembered that during the early part of the working season the extra assistant commissioner was engaged in supervising the boundaries in Fyzabad and Sultanpore, and that during the latter portion of the season Mr. Kavanagh was on special duty in the Mahomdee district. There was really, therefore, but one officer employed in deciding disputes, and as Rae Guneshee Lall is no longer physically equal to the full discharge of his duty, as much has been done as could be expected.

* See Appendix II.

6. Mr. Kavanagh remarks that the boundary disputes are considerably in arrear of the survey, and that the arrears can be brought up next season by suspending the survey part of the work until the boundary disputes are all settled. On this subject, as well as on that treated of in paragraph 7 of Mr. Kavanagh's Report, I propose addressing you in a separate communication.

7. Towards the latter end of the year, on a representation from Mr. Kavanagh that the adjustment of boundary disputes was not advancing with sufficient rapidity, the Government sanctioned the appointment, temporarily, of a second extra assistant commissioner. This officer decided 27 cases before the close of the year. As a further relief to the assistant superintendent, I suggested that appeals from the extra assistant commissioner's orders, which

which could not be decided by the assistant superintendent without visiting the spot, should be made over to the settlement officer of the district for disposal. The Chief Commissioner approved of this suggestion, but Mr. Kavanagh informs me that no cases were so sent to settlement officers. The settlement officer of Hurdul did dispose of seven appeals from the orders of Extra Assistant Commissioner Rae Guneshee Lall, but these appeals were brought directly before him; and on Mr. Kavanagh's referring to ascertain why these appeals had been heard, Mr. Lindsay admitted it was a mistake, and transferred the cases on his file to Mr. Kavanagh for disposal.

8. The total number of appeals disposed of during the year from orders of the several officers of the demarcation establishment are shown in Appendix No. III.: in six cases only have the orders of the deciding officer been reversed or modified.

9. From paragraph 16 to the close of his Report Mr. Kavanagh describes his proceedings in carrying out the instructions conveyed in your letter, No. 2049, dated 15th July 1863, relating to the demarcation of allotments, of waste land in the Mahomdee district. This should have formed the subject of a special Report, and I shall defer making any remarks on that portion of Mr. Kavanagh's Report until I address you on the subject in a separate letter. It is sufficient for me here to state that 14 allotments have been demarcated, comprising an area of 45,938 acres in addition to the 59 grants already made, the area of which is 143,360 acres.

Section II.—Khusrah Survey.

10. At the close of the year 1862-63 the khusrah survey had been completed in the districts of Oonao and Pertabghur, was well advanced in Roy Bareilly and Lucknow, and had made fair progress in Fyzabad, Sultanpore, and Durriabad. During the past year the field survey in Roy Bareilly and Lucknow has been completed, progress has been made in the survey of Fyzabad, Sultanpore, and Durriabad, and has been commenced in Seetapore and Hurdul.

11. Statement No. I. (Appendix No. IV.) shows the extent of land surveyed during the year 1863-64, together with the cost of survey in the several districts under settlement. The figures entered in this statement opposite Oonao and Pertabghur show the cost of surveying certain outlying villages of other districts transferred during the year to these districts, within the boundaries of which they are situated. I had occasion to remark, in reporting on the revision of assessment in pergunnah Puttee Dulleppore, on the extra cost entailed on Government by the omission to transfer these villages in time to admit of their being surveyed along with the remainder of the pergunnah to which they geographically belong.

12. The figures in this statement differ from the similar statement submitted last year in consequence of my having directed the salaries of the settlement officer, the assistant settlement officer, and the extra assistant settlement officer, and of their establishments, to be excluded in computing the cost of survey. The duties of these officers are as much judicial as executive, and it appeared to me, therefore, that their salaries should be taken into consideration only when computing the cost of the entire settlement. The cost of the khusrah survey in the Oonao district, containing 1,353 square miles, has been Rs. 71. 5. 9. the thousand acres, or Rs. 45.10.6. the square mile; and in Pertabghur, containing 1,707 square miles, Rs. 71.4.4. the thousand acres, or Rs. 45.9.10. the square mile. The difference is very trifling.

13. In Roy Bareilly 205,866 acres were surveyed during the year under report, at an average cost of Rs. 82.9.7. the thousand acres, which is somewhat higher than last year's rate. The settlement officer explains the cause of this to be that, while field work ceased in October, the cost of the supervising establishment was necessarily charged until all the testing of the work was concluded. The entire district, containing 1,331 square miles, has been surveyed at a cost of Rs. 78.2.5. a thousand acres, or Rs. 50.0.5. the square mile. This high rate appears to be mainly due to the high charges incurred in starting the survey in 1861-62.

14. During the early part of the year the scale of establishments allowed for the khusrah survey was revised. It had been pointed out by some settlement officers that the system hitherto in force gave the settlement officer no hold over the ameens, who, having finished their work in one district, moved on to another. The staff of ameens was, therefore, reduced from 60 to 50, and the supervising establishment strengthened by the appointment of a naib sudder moonserim, and gradations of salary for the moonserims were introduced, so as to give the settlement officers the power of rewarding deserving ameens by appointing them to be moonserims and promoting them according to their merits. The results of this measure will be noted in the districts into which it was introduced.

15. In Lucknow the statement shows that a reduced staff of 100 ameens surveyed 197,810 acres, or 1,978 acres per ameen, at an average cost of Rs. 54.0.7. the thousand acres, as compared with 623,078 acres surveyed by 161 ameens in 1862-63, at an average of Rs. 75.9.8. the thousand acres. Now, 100 ameens should have surveyed 387,000 acres to turn out an amount of work equal to that done by 161 ameens in the preceding year;

* See Settlement Officer's Report, paragraph 4.

but the real fact is that 100 ameens were not employed in the Lucknow district during the past year. The settlement officer has entered this number because the survey was carried on in two tehsils, but only one survey party was employed;* and when it had completed one tehsil, it was transferred to another. In reality, therefore, but 50 ameens were employed, and these 50 should, at the rate of work done by 161 ameens in 1862-63, have surveyed 193,500 acres; they actually surveyed 197,810, or 3,956·2 acres per ameen; they therefore turned out more work and at a very considerably less cost. The Lucknow district contains 1,413 square miles, and has been surveyed at a cost of Rs. 70. 3. 8. the thousand acres, or Rs. 44. 15. 1. the square mile.

16. In Durriabad the out-turn of work in 1862-63 was very small and the cost excessive; during the past year a great improvement has taken place; the survey has been carried on in two tehsils, but owing to the necessity of keeping a portion of the establishment employed in preparing the records the staff of ameens was limited; but 45 ameens were employed on an average per month as against 22 in 1862-63. The 45 ameens during eleven months in 1863-64 surveyed 362,967 acres, or 8,068 acres per ameen, at an average cost of Rs. 88. 13. 6. the thousand acres. The out-turn of work is decidedly fair, but the cost is certainly too high; this, as above explained, is due to the establishment being divided instead of being exclusively employed on field surveying. In fact, the settlement officer should have charged but one sudder moonserim and one naib sudder moonserim to the cost of survey instead of two; had this been done, the cost would have been but Rs. 80. 9. 3. the thousand acres.

17. In Sultanpore the statement shows a marked improvement both in the amount of work done and in the cost as compared with 1862-63. In the latter year 107 ameens in three months surveyed 109,644 acres, at an average cost of Rs. 89. 0. 7. the thousand acres. During the past year 123 ameens in six months have surveyed 417,417 acres, or 3,409 acres per ameen, at an average cost of Rs. 58. 12. 6. the thousand acres. The out-turn of work is not so good rateably to the number of ameens employed as in Durriabad, but the cost is markedly less. The settlement officer has explained the reasons which have retarded the progress of the survey: the results in this district are, on the whole, satisfactory.

18. In Fyzabad the out-turn of work in 1863-64 has been considerably in excess of that of 1862-63, the cost in the former being, however, higher than in the latter. In 1862-63 120 ameens surveyed 347,458 acres at a cost of Rs. 67. 14. 8. the thousand acres, while in 1863-64 80 ameens surveyed 387,251 acres, at a cost of Rs. 78. 15. 1. the thousand acres. The settlement officer explains that in 1863-64 the survey operations were completed by the end of January, and that in the past year's accounts is shown the cost of measuring village sites during the last rainy season, which charge was properly debitable to the year 1862-63. Up to the end of the year under report 1,148 square miles had been surveyed in this district, at an average cost of Rs. 74. 9. 6. the thousand acres.

19. In Seetapore the survey was commenced during the past year. Notwithstanding the settlement officer of Seetapore's having organised his survey parties so as to admit of their commencing work on 1st November, the survey has not made so good progress as in Hurdul. I attribute this to the greater experience of Ikramollah Khan, the extra assistant settlement officer in Hurdul. The financial results in both these districts are highly satisfactory, as hitherto, when survey operations have been started in a district, the average cost per thousand acres has been very high; in both Seetapore and Hurdul they are below the average of all the districts in the province. In Seetapore the out-turn has been at the rate of 3,585 acres per ameen and in Hurdul of 4,016 acres per ameen. The average cost per thousand acres in Hurdul, Rs. 57. 8. 7., is very satisfactory.

20. I think the results shown in this statement prove that the survey establishment as now organised is more efficient and less costly than that originally sanctioned. The total area surveyed during the year was 1,962,547 acres, or 3,066 square miles, at an average cost of Rs. 70. 9. 4. the thousand acres, or Rs. 45. 2. 8. the square mile.

21. Statement No. 2, forming Appendix No. V., shows the result of khusrah survey in the several districts. The per-centage of cultivation is highest in Seetapore, being 65·61 per cent. of the total area, and lowest in Sultanpore, where it is only 45 per cent. of the total area. The most highly cultivated portion of Seetapore has as yet been surveyed. The results on the entire districts will probably differ materially from those shown in this statement. The proportion of barren land is highest in Pertabghur. The settlement officer explains that some modifications in this column will probably be made when he inspects the tehsils of his district, the assessments of which have still to be revised. Taking the figures as they stand, it would appear that there is a larger amount of land occupied by groves in the Sultanpore district than in any other district of the province under settlement. This result is somewhat surprising, as Fyzabad and Roy Bareilly were reported to be the most thickly wooded districts. The proportion of land occupied by groves is, however, on the whole, much less than was anticipated.

22. A comparison of columns 2 and 3 of this statement would lead to the conclusion that there were a larger number of villages to the square mile in Pertabghur than in any other district. This conclusion is not borne out by the entries in column 10, where the proportion of land occupied by village sites in the Fyzabad district is shown to be four per cent. on the total area, while in Pertabghur it is only three per cent. The explanation of this

this is that in column 2 the settlement officer of Fyzabad has entered the number of mouzahs set up as separate villages by the demarcation establishment, and not the actual number of villages. There can be but little doubt, however, that Pertabghur and Fyzabad are two of the most densely populated districts in the province. Their population to the square mile, as shown in this statement, does not exceed that of Lucknow and Oonao, where the number of villages is less than one to the square mile, and where the proportion of land occupied by village sites is very small. The assistant settlement officer of Oonao has, as will be seen from his letter, No. 127, dated 1st June (copy attached), taken every pains to ensure the accuracy of his census returns, and if they are correct, those of Pertabghur and Fyzabad can hardly be so. The settlement officer of Roy Bareilly cannot bring himself to believe that his statement, which shows a population of 508 to the square mile, is correct; but I am inclined to think that he will not find it very far wrong, though, perhaps, in Hyderghur, where he says the population is given at 644 to the square mile, there may be some error. It is noticeable that in the one pergunnah of Sultanpore, the statistics of which are entered, the population is exactly the same to the square mile as that shown in the Roy Bareilly district. Taking 450 as the average population per square mile in the seven districts marginally noted, the population of those districts would be 4,703,850; the population of the five remaining districts must bring up the population of the province to at least nine millions, for in Appendix VIII. of the Provincial Report for 1862-63 the area of the four districts comprising the Khyabad Division is given at 12,540 square miles. The area of Gonda is not shown, but it can be but little less than that of Fyzabad, or say 1,900 square miles. The total area of the five districts would then be 14,440, and taking their population at 350 to the square mile, the result will be 5,054,000: thus the total population of the province would be 9,757,850.

	Square Miles.
Lucknow - - -	1,389
Oonao - - -	1,353
Durriabad - - -	1,251
Roy Bareilly - - -	1,331
Sultanpore - - -	1,443
Pertabghur - - -	1,707
Fyzabad - - -	1,979
Total - - -	10,453

23. The large proportion of the total area shown by this statement to be taken up by jheels and tanks is deserving of attention.

24. Statement No. 3, forming Appendix No. VI., was intended to show the comparative results of the revenue and khusras surveys. The statement, however, is imperfect and useless for all purposes of comparison. Experience, however, has shown that the two surveys cannot be expected to approximate, except in the total area. The settlement officer of Pertabghur remarks that he will "do no more than call attention to the discrepancies which exist, because it is hopeless to think of reconciling them." There can be no doubt that, while the revenue survey is the more trustworthy of the two as regards the total area, the khusras survey, which necessitates a minuteness of detail not required for the purposes of the revenue survey, must be more correct in the interior details.

Section III.—Record of Rights, Judicial Work.

25. Statement No. 4 (Appendix No. VII.) shows the number of cases instituted and disposed of in the settlement courts of the province since the commencement of the regular settlement up to the close of the year under report. It appears that 40,980 cases have been instituted, of which more than half, or 24,569, are claims to the proprietary right in a village in whole or in part; 7,555 claims to under-proprietary rights have been preferred, and of these 3,474 were claims to sub-settlements. The 8,856 claims of a miscellaneous nature are principally claims to groves, or shares in groves, and claims based on mortgage bonds involving a right of possession in certain fields.

26. Out of the above 40,980 cases instituted, 29,654 have been pending in the courts during the past year; of these 11,082 have been disposed of, and 18,572 were pending at the end of the year. Settlement officers decided 5,184 cases, assistant settlement officers 4,286, and the extra assistant settlement officers 1,612; there were 936 cases disposed of by consent, 159 dismissed on default, and 221 withdrawn, leaving 9,766 cases decided on trial: the results of the decisions under the several classes of cases will be discussed presently. I may here remark that of the 9,470 cases disposed of by the settlement and assistant settlement officers, appeals to my court were instituted in 1,142 cases, being 12.0 per cent. on the total number of cases disposed of, and 11.6 per cent. on the number decided on trial. There were also 102 appeals instituted in the courts of the settlement officers against orders passed by the extra assistant commissioners, so that the total percentage of appeals to cases disposed of was 11.2 during the year.

27. It will be seen from this statement that the extra assistant commissioners have principally disposed of the miscellaneous cases, the more important classes of claims being heard by the settlement officers and their assistants. The extra assistant commissioners have certainly disposed of 477 claims to shares in villages; of these 330 were decided by Moulvie Alee Hossein, extra assistant commissioner of Pertabghur, whom I authorised to dispose of claims of this nature with a view to assist, as far as possible, the settlement officer, whose slow progress in the disposal of his case work had attracted the notice of the Chief Commissioner. Similarly, Pundit Madho Pershad was authorised by me to dispose of such claims; both these are officers of experience, and have lately been promoted to the second grade of extra assistant commissioners. In Roy Bareilly 134, and in Hurdai 77, cases have been entered as disposed of by extra assistant commissioners, because the files were prepared by them, though final orders were passed by the settlement officers.

28. In Lucknow 1,437 cases were disposed of in the year, 783 by the settlement officer, 652 by his assistant, and 2 by the extra assistant commissioner; but, in addition to

these, 63 were transferred to other districts, 99 struck off as having been twice registered, and 31 claims against talookdars were rejected as not cognizable: these have not been shown in the statement. The settlement officer was not relieved of district duties till October; consequently, he was unable during the early part of the year to give much time to case work. The number of cases decided by Captain Boulderson, the assistant settlement officer, is not so large as might have been expected; but his cases are well prepared, and his decisions generally good. The settlement officer states that the greater number of cases have been decided in the immediate neighbourhood of the village in dispute after confronting the parties. The general result is described to be that the proprietary right of nearly all the villages in tehsil Lucknow, the first for assessment, has been declared. The greater number of villages left in pergunnahs Lucknow and Bijour are connected with the city and cantonment boundaries, and were reserved for disposal during the hot season. Work has advanced in tehsil Mohunlalgunje; moreover, the claims to shares in a large portion of the villages of pergunnah Bijour are disposed of, and the balance of these claims in Bijour and Kakoree are in train. There were 19 cases only in this district struck off on default, and of these but one was a claim to under-proprietary rights. The results of appeals in this district have been as follows:—126 appeals against the orders of the settlement officer and 72 against those of the assistant settlement officer have been instituted, or 13·8 per cent. of the decisions. In 138 cases the lower court's orders have been upheld, and in 30 modified or reversed; the modifications and reversals being 19·0 per cent. on the number of appeals instituted against the orders of the settlement officer and 15·9 per cent. on those of the assistant settlement officer.

29. In Oonao 1,407 cases were disposed of; 184 by the settlement officer, 527 by the assistant settlement officer, and 696 by the extra assistant commissioner. The settlement officer, Mr. Clifford, was in charge of the district during the early part of the year and left on furlough in December; the settlement department has therefore been, for the last five months of the year, in charge of Mr. Maconochie, the assistant settlement officer. Mr. Maconochie has analysed the progress made in each tehsil, and the results are, in my opinion, satisfactory; but 14 cases were struck off in default, and not one of these was a claim to under-proprietary right. In this district the litigation regarding groves is very heavy, as may be seen from the number of miscellaneous cases disposed of by the extra assistant commissioner. There have been 161 appeals preferred from this district, viz., from the settlement officer's orders 101, and from those of the assistant settlement officer 60, being in the case of the former 60·3 per cent. on decisions, and of the latter 11·4 per cent. In 15 cases have the settlement officer's orders been modified or reversed, and those of the assistant settlement officer in eight, being 16·0 and 14·3 per cent. respectively.

30. In Roy Bareilly 1,274 cases have been disposed of, three-fourths of the whole being under classes A. and B., or claims to the proprietary right in villages or to shares therein. The settlement officer explains that up to the month of November he had charge of the district, which fact, and the extra work which falls to the settlement officer in the shape of correspondence, administrations, the review of investigation into shares by the extra assistant commissioner, and the hearing of appeals from his decisions on claims to groves, will, he hopes, prove a satisfactory explanation of the small amount of case work disposed of by him. Making due allowance for the several facts urged by the settlement officer, I am of opinion that he might have disposed of more cases than he has done, and I shall hope for an improvement during the present year. The assistant settlement officer, Mr. Laing, has worked well; but two cases were struck off in default, both under classes A. and B. There have been 66 appeals instituted from the orders of the settlement officer and 61 from those of the assistant settlement officer, being 18·0 and 7·1 per cent. on cases decided respectively. Of the settlement officer's orders appealed 18·5 per cent. have been modified or reversed and 20·0 per cent. of the assistant settlement officer's.

31. The settlement officer of Durriabad states that, owing to his having had so large a portion of the work of the district thrown on his hands throughout the past year, he has been unable to devote himself to settlement case work as he could have wished. The statement shows 338 cases disposed of by the settlement officer, but the great majority of these were prepared by the assistant settlement officer and forwarded for final orders to the settlement officer; 1,136 cases were disposed of in the district; of these almost, if not quite, 1,000 may be said to have been disposed of by the assistant settlement officer. No case was struck off in default, but one was settled by consent and 23 were withdrawn, so that a very large majority were decided on trial. The Chief Commissioner is aware how thoroughly Mr. Harrington, the assistant settlement officer, prepares his cases, and the results shown in this statement are, I think, creditable to that officer. The proprietary rights have been decided in the pergunnahs of Nawabgunge, Sutrik, and Pertabgunge; a few cases remain in pergunnah Sidhour; these four pergunnahs make up the tehsil Nawabgunge, the assessment of which the settlement officer proposes to revise in the first instance. There have been 84 appeals instituted from the orders of the settlement officer and 95 from those of the assistant settlement officer, being respectively 24·9 and 12·7 per cent. on the cases decided; of these 30·3 per cent. of the settlement officer's orders have been reversed or modified and 21·9 per cent. of the assistant settlement officer's.

32. In Sultanpore 1,035 cases have been disposed of, nearly one-half being under class A., claims to the proprietary right in villages. The amount of work done in this district by both the settlement officer and his assistant is small. The settlement officer remarks that claims have not been numerous, and that the Juhorea tehsil, so far as regards proprietary rights, may be considered ready for the introduction of a revised jumma. Captain Perkins was not relieved of the district until September, and did not take up settlement work before that month. Lieutenant Forbes, the assistant settlement officer, fell sick at the

the beginning of the year, and was absent on medical certificate until the 15th October; this accounts for the small amount of work disposed of during the past year. Moreover Lieutenant Forbes had no powers until late in the year; he has now acquired experience and has been vested with full powers, and a better result may be anticipated for the current year; 48 cases were struck off on default, and of these 11 were claims to sub-settlement. There were 40 appeals against the orders of the settlement officer and 9 against those of the assistant settlement officer, or 13.0 and 6.5 per cent. on the cases decided respectively; of these 12.5 per cent. of the settlement officer's orders were reversed or modified and 8.3 per cent. of the assistant settlement officer's.

33. Last year, the Chief Commissioner commented on the slow progress made in the Pertabghur district in the disposal of case work. The returns under review show a marked improvement; 2,148 cases have been disposed of during 1863-64 as compared with 802 in 1862-63. The settlement officer has decided 916 cases, the assistant settlement officer 688, and the extra assistant commissioner 544; the litigation in this district has always been heavy. A large number of claims to under-proprietary rights have been under investigation; of such claims 22 have been struck off in default; the settlement officer experiences great difficulty in inducing the claimants to prosecute their suits. The settlement officer has explained that he has struck out of this statement all claims relating to tehsils in which no judicial work has begun, and thus the number of cases on his file is considerably below the number shown in last year's statements. The number of appeals from the orders of the settlement officer has been 147, and from those of the assistant settlement officer 124, or 16.0 and 18.0 per cent. respectively of cases decided; of these appeals 13.6 per cent. of the settlement officer's and 35.3 per cent. of the assistant settlement officer's orders have been modified or reversed.

34. The Fyzabad statement shows that out of 1,364 cases disposed of, 1,048 were decided by the settlement officer, 221 by the assistant settlement officer, and 95 by the extra assistant commissioner. The assistant settlement officer, Captain Ouseley, was absent on leave for three months of the year, and was not vested with full powers till towards the middle of the year: this, in a great measure, accounts for the small amount of work shown to have been disposed of by him. The settlement officer has stated that 56 cases were prepared by Captain Ouseley before he had the power to pass final orders. It must also be borne in mind that the peculiar tenures of the Fyzabad district cause the number of cases to appear far more on paper than they are in reality. A large number of mehals in this district are composed of several villages, or fractions of villages. The records being prepared for each village, a claim involving rights to several villages is entered under each village, though but one order is necessary for all the villages concerned. I doubt, therefore, whether in reality above 800 judicial decisions have been passed by the settlement officer. No cases have been struck off on default. There have been 91 appeals from the orders of the settlement officer, and 4 from those of the assistant settlement officer, being 8.7 and 1.8 per cent. respectively; of these 8.2 per cent. of the settlement officer's orders have been reversed or modified, and 25.0 per cent. of those of the assistant settlement officer.

35. In Seetapore, the case work has been very light; only 1,154 cases were instituted; of these 730 were disposed of, but out of these 730, no less than 456 were summarily rejected as barred by the Governor General's order declaring the settlement with the talookdars irrevocable. The assistant settlement officer prepared 282 cases, not having been vested with full powers. The settlement officer observes, that the investigation into claims to rights in land has been kept in advance of the measurements. There have been 7 appeals from the settlement officer's orders or 1.0 per cent. on the cases decided, and 14.3 per cent. of the orders appealed have been modified or reversed.

36. In Hurdul, also, the case work has been very light; 1,427 cases were instituted, of which 551 were disposed of, but of these 192 were summarily dismissed, leaving 359 tried on their merits. Claims entered as disposed of by the assistant settlement officer, must mean that they were prepared by that officer for the final orders of the settlement officer, as the assistant settlement officer was not vested with full powers till after the close of the year under report. Appeals from the settlement officer's orders were prepared in 20 cases, being 5.2 per cent. on the cases decided; of these, 20.0 per cent. were modified or reversed.

37. Before proceeding to examine the results of the decisions of claims to rights in land, as shown in Statement No. 5, I note, for the information of the Chief Commissioner, that there have been 1,273 appeals pending in my court during the year, viz., 103 pending at the commencement of the year, and 1,170 instituted during the year; of these, 1,133 had been disposed of, and 140 were pending at the end of the year. In addition to the above, 390 cases were called for on perusal of the monthly abstracts, being 3.5 per cent. of the total number of cases disposed of in the district courts. There were also 40 applications for review of judgment, and 170 miscellaneous cases and petitions disposed of. The cases remanded by the Chief Commissioner for re-trial, or for further information, are not included in the above.

38. Statement No. 5, forming Appendix No. VIII., shows in detail the results of the investigations into the several classes of claims disposed of in the settlement courts. It will be seen that out of 12,789 villages in the pergunnahs under settlement, 6,890 were settled with talookdars, and 5,899 with others than talookdars; of the latter, the proprietary rights have been determined in 2,198 villages, and 1,790 have been decreed in favour of the persons admitted to engage subsequent to the re-occupation of the province. In 408 only has possession changed hands; in 39 cases villages have been restored to talookdars, 25 of these being in Oonao. During the year under review, 13 villages have been decreed in favour of talookdars. In regard to this class of case, I may observe that the rule has been not to admit a talookdar to claim a superior talookdaree right in any village for

for which he was not admitted to engage subsequent to re-occupation. If a talookdar wishes to recover a village, not at present in his possession, he has to enter the courts as any other ordinary individual, and prove that he has the best proprietary title. In 257 cases, decrees have issued in favour of ordinary claimants, of which 165 have been decreed during the year; nearly one-half, or 75, were decreed in the Lucknow district, where the tenure of the landed property was especially precarious. Out of 112 villages decreed in favour of Government, 64 have been so decreed during the past year: of these, 23 were decreed in Lucknow, and 31 in Roy Bareilly. These latter villages are those which really belonged to the estate of the rebel Baboo Rambuksh, but having been found at the last summary settlement, owing to the Baboo's not having been in actual possession at annexation, they were not seized as a portion of the property of the Baboo confiscated to Government. I am inclined to believe that in several instances these orders have been modified on appeal, and the villages decreed to the present holders.

39. In regard to under-proprietary rights, the Chief Commissioner will observe that, out of 6,776 claims preferred, 3,589 have been disposed of; of these, 1,436 have been given in favour of the under-proprietors and 2,153 in favour of the talookdars. Considering the very large proportion of untenable claims preferred simply on the chance of getting something, the above figures are on the whole satisfactory. This statement shows 4,029 claims to the sub-settlement of villages in whole or in part. Statement No. 4, shows 3,474 claims to sub-settlement; these, however, refer to entire villages; the larger number includes also claims to portions of villages, such as dakhila mouzahs, puttees, hamlets, &c. Again, the figures in Statement 4 do not tally with those in Statement 5, inasmuch as the former includes claims to under-proprietary rights in all villages, while the latter show only those preferred in talookdaree villages.

40. This statement does not show the number of cases decided under each heading, A., B., C., and D.: it gives the number decided in favour of the under-proprietors under each heading, but shows the number in favour of the talookdars in the aggregate: it shows that out of 4,029 claims to sub-settlement, 523 have been in favour of the under-proprietor. From Statement 4, we find that out of 3,474 claims to the sub-settlement of entire villages, 1,743 only had been disposed of. Supposing an equal proportion of claims to sub-settlement of portions of villages to have been disposed of, we shall obtain a total of 2,021 claims of this nature decided, of which 523 have been in favour of the under-proprietor, or 25·8 per cent. Taking the results of appeals from orders on claims of this nature, I find that 296 appeals were instituted; of these, 227 were instituted by claimants to sub-settlements whose claims had been rejected by the lower courts. In 195 cases, the lower court's orders were upheld, and in 23 they were reversed and decrees given in favour of the claimants, while 9 cases were remanded for re-trial. Talookdars preferred 69 appeals against orders decreeing the sub-settlement, and in 15 cases the lower court's orders were reversed, while 45 were upheld, and 9 were remanded for re-trial.

41. Turning to claims to subordinate rights not involving a sub-settlement, we find that 2,747 claims have been preferred, of which 763 were claims to birts and sunkullups, or rights purchased for a valuable consideration, leaving 1,984 claims for ordinary rights, such as seer and nankar. Of the 2,747 claims instituted the statement shows 913 given in favour of the under-proprietor. Assuming that the calculations regarding claims under class A. in the preceding paragraph are correct, we find that out of the 2,747 claims preferred 1,568 have been decided. This being so, 913 given in favour of the under-proprietors shows a per-centage of 58·2 in favour of the subordinate holder. This result cannot be deemed satisfactory when it is remembered that under these headings are included all claims to rent-free holdings granted by the talookdars and not recognised by Government, claims to murwut or pensionary grants, claims based on lease bonds, and claims to lands assigned as maintenance to younger branches of the talookdar's family.

42. The Pertabghur returns are not altogether satisfactory. I was struck with the figures in Statement No. 4 from this district, which, under class D., or claims to ordinary under-proprietary rights, show that out of 303 cases decided during the year, 71 only were given in favour of the plaintiff or under-proprietor, and 232 in favour of the defendant or talookdar. I called on Mr. King for a detailed statement of these cases, classified under claims to sunkullup, claims to seer and nankar, and claims to land held under zemindaree pottahs. I give the return in the margin.* It will be seen that out of 303 cases 86 only

were

* STATEMENT.

Name of Pergunnah.	12. In favour of Plaintiff or Under- Proprietor.				13. In favour of Defendant or Talookdar.				TOTALS of Columns 12 and 13.			
	Claims to Sunkul- lup.	Claims to Seer and Nankar.	Claims to portion of land held un- der Zemindaree pottah.	Total.	Claims to Sunkul- lup.	Claims to Seer and Nankar.	Claims to portion of land held un- der Zemindaree pottah.	Total.	Claims to Sunkul- lup.	Claims to Seer and Nankar.	Claims to portion of land held un- der Zemindaree pottah.	TOTAL.
Puttee - -	1	20	6	27	9	33	11	53	10	53	17	80
Pertabghur - -	26	12	6	44	99	21	59	179	125	33	65	223
TOTAL - -	27	32	12	71	108	54	70	232	135	86	82	303

were for subordinate rights proper, and of these 32 were given in favour of the under-proprietors. I also append a statement* showing the results of appeals from orders in these cases, from which it will be seen that out of the 71 cases given in favour of the under-proprietor by the district court, 10 were appealed, and in only one was the order reversed; while out of the 232 cases given in favour of the talookdar by the lower courts, 31 were appealed, and of these in 15 cases the lower court's orders were reversed, and decrees given in favour of the subordinate holders. It is remarkable that out of eight appeals against orders rejecting claims to seer and nankar, seven were decreed in favour of the appellants; this clearly proves that the appellate courts do not require excessively strict evidence in cases of this nature.

43. Not content with calling on Mr. King for the statement above referred to, I have personally re-examined the abstracts of cases decided in this district for several months of the past year, with a view to ascertain the nature of the cases entered under this head; I find that a large number were claims to rent-free holdings and murwat grants, a considerable number were claims preferred to subordinate rights on the basis of a former proprietary interest in the soil, which were found on investigation to be claims to sunkullup, and many were claims to lands assigned as maintenance. A small proportion of the claims were found to be for subordinate rights proper. The fact is that in this district the former proprietors have aimed at regaining the entire village, and thus claims to sub-settlement have been very numerous, while other claims have been comparatively few. If the claimants have failed in obtaining a sub-settlement, they have not preferred any claim to seer and nankar; whether this is owing to their having made terms with the talookdar out of court or not, I cannot say.

44. With reference to the 18 appeals against orders rejecting claims to sunkullup, it will be seen that six were decreed in favour of the claimants. The Chief Commissioner is aware, from correspondence which has passed on the subject, that I was of opinion that the district courts of Pertabghur were demanding too much of claimants to rights of this nature when insisting on proof of payment of a valuable consideration. I ruled that in dealing with claims of this nature the general custom of the estate in regard to the acceptance or non-acceptance of a valuable consideration for grant of this kind should be admitted as evidence, and that the onus of proof should be thrown on the party putting forward a plea opposed to the recognised custom of the estate. Thus, in an estate in which it is admitted that no sunkullup was given without a valuable consideration being paid for the same, the production of a genuine deed of grant would, under my ruling, be accepted as proof of payment of a valuable consideration until the contrary was proved.

45. Claims to lands held under zemindaree pottahs are not of unfrequent occurrence; these deeds are generally so worded as to imply a gift of the land in perpetuity; but experience teaches that they were never recognized as transfers in perpetuity, but were always deemed liable to resumption at pleasure. The late Officiating Chief Commissioner ruled that such deeds, unless they contained expressions distinctly purporting to gift the land from generation to generation, should be held to have effect only for the life of the grantee; this ruling is in conformity with a late decision of the Agra Sudder Court. Accepting this, I have on several occasions held that, though the original deed was only for the life of the grantee, yet, seeing that the heirs of the said grantee had been permitted to occupy the lands on the same terms as the original grantee, it must be assumed that the grant was renewed by implication, and in such cases I have maintained the possession of the present occupants for the terms of their natural lives under the conditions of the original grant.

46. A statement has been called for from the settlement officer of Pertabghur showing the extent to which the profits of the talookdars have been intercepted by the award of under-

* STATEMENT showing the Results of Appeals from Orders, &c.

Pergunnah.	Nature of Claim.	Appeals to Settlement Commissioner out of the 71 Cases decided by Settlement Officers in favour of Plaintiff, and entered in Col. 12 of Form 4, heading D.				Appeals to Settlement Commissioner out of the 232 Cases decided by Settlement Officer in favour of Defendant, and entered in Column 13 of Form 4, heading D.				Total of preceding Two Columns.				RE-MARKS.
		Appealed.	Admitted.	Rejected.	Pending.	Appealed.	Admitted.	Rejected.	Pending.	Appealed.	Admitted.	Rejected.	Pending.	
Puttee Pertabghur.	Sunkullup - - -	1	-	1	-	18	6	10	2	19	6	11	2	No appeals have been made in 262 cases.
	Seer and Nankar - -	6	1	5	-	8	7	1	-	14	8	6	-	
	Portion of Land held under Zemindaree right - }	3	-	2	1	5	2	3	-	8	2	5	1	
	TOTAL - - -	10	1	8	1	31	15	14	2	41	16	22	3	

under-proprietary rights. The settlement officer has also been called on to report how far he has given effect to the provisions of my Circular, No. 46, of 1863, directing settlement officers to take measures to ascertain and record under-proprietary rights even when not claimed. As soon as this return is submitted, it will be forwarded for the orders of the Chief Commissioner.

47. My attention was drawn to the entries in this Statement (No. 5) under Sultanpore and Hurdul. In Sultanpore 260 claims to under-proprietary rights are entered as decided in favour of the talookdar, while 12 only are given in favour of the under-proprietor. Statement No. 4 shows that of these, 250 cases were claims to sub-settlement. Knowing that few appeals in cases of this nature had been preferred to my court from the Sultanpore district, I called on the settlement officer to explain whether all these cases were *bonâ fide* claims to sub-settlement instituted by the former proprietors of the village, or whether they were in reality claims to shares in the talookdar's estates, or antagonistic claims to the proprietary right in the villages preferred under the garb of a claim to sub-settlement. The settlement officer replied that out of 236 cases decided, 98 were claims preferred by the relations of talookdars, 71 by members of the former proprietary community, and 67 by other claimants; only 21 of these cases had been appealed.

48. Similarly in Hurdul, 52 cases are entered as decided in favour of the talookdar out of 100 instituted; this seemed the more extraordinary, as of 14 claims to sub-settlement, the whole had been given in favour of the under-proprietors. I find that in the number, 52 are included, 22 in which the under-proprietary rights were not claimed, and, therefore, decreed to the talookdar. It is clear that these should not have been entered in the statement at all. So, again, five suits are included in this 52 which were consigned to the office, as the village had not been surveyed; thus, the real number should have been 25, and not 52; out of these 25, the proceedings in three have been quashed, and a re-investigation directed.

49. The settlement officer of Roy Bareilly reports that it is impossible to say how many of the 217 claims to sub-settlement shown in his returns are *bonâ fide* until the cases come on for trial. It is probable that a fair proportion of these will be found to be claims of another description, and not *bonâ fide* claims to sub-settlement instituted by the former proprietors of the village.

50. In Fyzabad 193 claims to sub-settlement have been decreed by consent, and 10 on trial, while 35 other claims have also been decreed by consent. The talookdars of this district have set an example to their brethren throughout the province, which I hope to see more generally followed in future years.

Preparation of Records.

51. The progress made in the preparation of settlement records, together with the cost of this portion of the settlement work, is shown in Statement No. 6 (Appendix No. IX.). When preparing a revised scale of establishments for the field survey, as mentioned in paragraph 14 of this Report, I at the same time drew up a scale of establishments for the preparation of records; the scale proposed by me received the approval of Government; this scale was taken as the maximum to be allowed in any one tehsil, and settlement officers were directed not to entertain the full strength without absolute necessity for so doing. I have kept a strict supervision over these establishments, and have taken every precaution to ensure their being maintained at as reduced a scale as possible.

52. I have further, during the year, introduced the system of having all those papers prepared by contract, the preparation of which involves nothing more than simple copying. The settlement officers have also been directed to enforce the provisions of Circular No. 1 of 1860 in regard to the papers to be furnished by ameens. It had become the custom to demand of the ameens only the rough copies of the khusrah and shujrah, and for the preparation of these documents they received the remuneration sanctioned in paragraph 1 of

Circular No. 1 of 1860. I have pointed out to all settlement officers that, under the circular quoted, the ameens should be called on to do a far larger amount of work than had hitherto been required, and have directed that in future the ameens shall invariably provide the documents, marginally noted, for the remunerations sanctioned in Circular No. 1 of 1860.

53. In Lucknow the fair copies of khusrahs and shujrahs have been completed in 587 villages, and have been partially prepared in 255 villages. The khuteonees of 727 villages have been partially prepared; taking the area of the district at 1,389 square miles, the cost of preparing the records had, up to the end of the past year, been 19 rupees per square mile, and the total cost of the settlement, as shown in column 42, amounted to 102 rupees the square mile.

Khusrah and shujrah, one rough copy of each.
Khusrah and shujrah, one fair copy of each.
List of wells, one rough and one fair copy.
Khusrah and shujrah abadee, one rough copy of each.

N.B.—About 12,000 rupees of old account have been debited to 1863-64, as settlement officer omitted to draw the money before the close of the year 1862-63.

The settlement officer explains that the returns of 1862-63 were not reliable, and that considerable expense has been incurred during the year 1863-64 in testing and examining the work of the preceding year, and making up the deficiencies.

54. In Oonao the fair copies of the khusrahs and shujrahs were prepared in 134 villages, and were partially prepared in 716 villages. The khuteonees of 289 villages were completed, and of 48 partially completed; the khuteonees of 444 villages were prepared in the rough, and in three more were partially prepared. The wajib-ool-urzes of 303 villages were completed, and rough copies of 332 were prepared; of these 15 were partially faired out. The remaining records were completed in 389 villages. The expenditure on the preparation

of

of records in this district was small, being only 17,614 rupees. The area of the district being 1,353 square miles, the cost of preparing records up to the end of the year had been *Rs.* 48. 10. 5. per square mile, and the total cost of settlement *Rs.* 130. 14. per square mile. In this district the settlement of two tehsils is almost complete in every respect.

55. In Durriabad the fair copies of khusrahs and shujrahs in 165 villages have been completed, and those of 792 are partially ready; 615 khuteonees have been prepared in the rough, and 164 other papers. The cost has been 6,148 rupees, which is reasonable; the cost of settlement to the square mile in this district up to the end of the year was *Rs.* 96. 9. 8.

56. In the Roy Bareilly statement none of the records are entered as complete. The fair copies of the khusrahs and shujrahs of 1,073 villages have been partially prepared. The rough copies of 858 khuteonees have been drawn up, and 312 more have been put in hand. The cost, 20,269 rupees, is high. The preparation of the detailed rent statement, described in paragraph 17 of Captain MacAndrew's report, has entailed considerable expense. It is to be hoped that, as the settlement officer has now ascertained exactly what information he requires to be furnished in this statement, its preparation will be less costly in future. The cost per square mile in this district up to the end of the year had reached *Rs.* 101. 12. 8., and the settlement officer will have to exercise strict economy in future to reduce his rates to an average level. Captain MacAndrew is aware of the necessity of reducing his expenditure, and I have no doubt will exhibit better results next year.

57. In Sultanpore the preparation of records has been confined principally to the Juhora tehsil. The fair copies of the khusrahs and shujrahs of 737 villages have been partially prepared, the rough copies of 261 khuteonees have been finished, and 25 others have been commenced. The cost of this work was 6,053 rupees during the year. The settlement in this district has as yet cost *Rs.* 82. 2. 3. per square mile.

58. The Pertabghur statement shows considerable progress. The fair copies of the khusrahs and shujrahs of 1,277 villages have been completed, and of 663 partially so; 208 khuteonees have been completed, while the rough copies of 1,128 have been finished and 81 commenced; 92 wajib-ool-urzes have also been prepared. The cost has been 29,848 rupees in the year; but of this upwards of 7,000 rupees was on account of charges incurred in former years and adjusted in the past. This cost of preparing records in this district had up to the end of the year amounted to *Rs.* 42. 10. 6. per square mile, and the total cost of settlement to *Rs.* 127. 15. 6. the square mile. The rate is very high indeed, and shows that the supervision of the expenditure has not been efficient. Notwithstanding my repeated injunctions to the settlement officer to reduce the establishments in the tehsils in which revision of assessments, and judicial investigation were not in progress, it was only towards the latter end of the year that he gave effect to my instructions. As the establishments have now been brought within reasonable limits, I hope future years will exhibit the results of a better regulated economy.

59. In Fyzabad the fair copies of the khusrahs and shujrahs of 753 villages were prepared, and those of 70 commenced, and the rough copies of 1,267 khuteonees were completed. The cost during the year was 8,035 rupees. The work in this district is done entirely by contract at fixed rates. The settlement of this district up to end of the year had cost *Rs.* 47. 9. 1. per square mile of the total area of the district, or about *Rs.* 82. 1. 1. per square mile of the two tehsils under settlement.

60. In Seerapore and Hurdul the preparation of records had not commenced. From this statement it would appear that up to the 30th April 1864, the total cost of settlement operations in the province had been *Rs.* 9,55,535. 10. 2.; to this must be added the charges incurred by the demarcation establishments and the cost of the Settlement Commissioner and his establishment; the entire cost of the settlement is marginally noted, and will be at the rate of *Rs.* 148. 4. 7. per square mile of the total area of the districts under settlement.

	<i>Rs.</i>	<i>a.</i>	<i>p.</i>
As per column 42 of Statement No. VI. -	9,55,535	10	2
Settlement Commissioner and Establishment -	68,591	3	2
Demarcation Establishment -	3,20,233	7	11
TOTAL -	Rs. 13,44,360	5	3

Section IV.—Assessments.

61. In my last report it was stated that the assessment of tehsil Poorwah, in the Oonao district, had been revised, and the new jumma introduced from the autumn kist of 1862, and that the assessments of tehsils Oonao and Nawabgunje had also been revised, but not introduced. During the year under report, the revision of assessments in these tehsils has been reported and approved by the Chief Commissioners. Statement No. 7 (Appendix No. X.) shows the results. In the three tehsils there has been a reduction on the real government demand of 2,399 rupees. The revised assessments fall at the rate of *Rs.* 2. 8. 1. per acre of cultivation, and *Rs.* 1. 12. 8. per acre of assessable area; the revised assessments have been readily accepted, and when brought into operation easily realised. The rate per cultivated acre may at first sight appear somewhat high, but taking into consideration the great rise in prices that has taken place since the settlement of the adjoining districts of the North Western Provinces, I am of opinion that it is not so. During my cold weather tour I took the opportunity of examining several of the schedules of rent arrangements, prescribed by Settlement Commissioners' Circular, No. 1 of 1863, and I invariably found that the rent rolls, as acknowledged by the people themselves, are more than double the Government demand. Mr. Clifford, the settlement officer, took great pains to do justice both to the Government and the landholders, and in many instances reviewed his assessments when he found the general voice of the country proclaiming them too high. In no single instance has an appeal been preferred on reasonable grounds: in one case, the objection was based on the large

large amount of rent-free holdings, not recognised by Government; but this objection was removed by the rent-free holdings being brought upon the rent-roll and subjected to the payment of rent. I have every reason to believe that the revised assessments in this district are fair and will work well.

62. The assistant settlement officer in charge of the settlement of the Oonao district reports having assessed two out of the three pergunahs of tehsil Suffeepore during the year under report; there remains but one pergunnah in this district, the assessment of which has to be revised. Mr. Maconochie has described in detail his mode of assessing, but I do not consider it necessary in this report to do more than generally note the results of his operations. It appears, then, that in the two pergunnahs of the Suffeepore tehsil the revised assessment is 283 rupees less than the summary assessment; the rates per acre are lower than in the other tehsils of the district, being Rs. 2. 2. 4. per acre of cultivation and Rs. 1. 8. 1. per acre of assessable area.

63. Columns 19 and 20 of the Statement No. 7 show the number of villages in which the summary assessment has been altered; and it will be seen that in but a very few villages the summary assessment has been retained. In tehsils Oonao and Poorwah there appears to be no village in which the summary assessment has been retained unchanged; in tehsil Nawabgunje, out of 328 villages, the summary assessment has been retained in 14 only; in pergunnah Suffeepore there are 33 villages out of 132 in which no change has been made in the summary assessment.

64. In Pertabghur the assessment of Puttee Dulleppore has been reported and approved; in this district, while the revised assessment is 40 per cent. higher than the summary, the rates are lower than in the Oonao district; the rates in Puttee Dulleppore are Rs. 2. 3. 1. per acre of cultivation, and Rs. 1. 11. 4. per acre of assessable area. The settlement officer has included in his statement the results of the revision of assessment in the Pertabghur tehsil, although the latter has not been introduced; in this tehsil the revised assessment is 53 per cent. higher than the summary, the rates being Rs. 2. 2. 5. per acre of cultivation and Rs. 1. 9. 11. per acre of assessable area, the average rate in the two tehsils being Rs. 2. 2. 10. per acre of cultivation, and Rs. 1. 10. 8. per acre of assessable area. The financial result is an increase to the revenue in the two tehsils of 1,80,277 rupees per annum.

65. Mr. King states that the general readiness with which his assessments have been accepted enables him to feel certain that in the main they are not too high; he is, however, aware that a ready acceptance must not be too much relied on: no appeals have been preferred from this district. Rae Pirtheepal Sing, the talookdar of Raipore Bichore, did certainly forward a petition objecting to the revised assessment of his estate; but his objections were couched in general terms, and he was unable to point out any particular village the assessment of which was too high, or to give any specific reasons for asserting that the assessment was unfair: there can be but little doubt that the revised assessments in this district are well within 50 per cent. of the average gross rental.

66. In the remaining districts under settlement, the revision of assessment was not completed in any pergunnah or tehsil. In paragraph 17 of his report, the settlement officer of Lucknow treats in a general way of assessments, but he does not appear to have as yet struck out for himself any particular mode of procedure. I am inclined to believe that he will find the old canoongoe's records, to which he refers, a very material assistance in his revision of assessments. Mr. Capper has taken great pains to collect authentic village and pergunnah records, and he will doubtless be able to make good use of them.

67. In Durriabad also, owing to the settlement officer's attention having been given principally to the performance of his district duties, but little progress has been made in the revision of assessments; some attempt has been made to collect the necessary information for revising the assessments of the pergunnahs in tehsil Nawabgunje; but the exact nature of the method the settlement officer intends to adopt for the calculation of his gross rentals cannot be gathered from the remarks made in his report.

68. The settlement officer of Roy Bareilly states that the assessment of seven pergunnahs, comprising 278 villages, has been completed; but as the investigations into superior rights have only been finished in two pergunnahs, it has not been possible to report the new assessments this year. Captain MacAndrew takes the rent-roll furnished by the putwaree as the basis of his assessment, and equalises the rental over the whole area of the village according to the capabilities of the soil. The settlement officer has described at length the mode in which he has made his assessments on the above principle; he finds that rent rates on the kind of soil are unknown, but that there is in practice a marked difference in the rental according to the distance the land lies from the village. The land has, therefore, been classified according to its proximity to or distance from the village. There is one point in the settlement officer's mode of procedure which strikes me as open to objection, and that is the means taken to check the entries in his classified rent statement. Going over the village with the shujrah in his hand, and having the rents of any particular field read out of the statement, without taking measures to ascertain whether the rent so read out is vouched for as correct by the landlord and cultivator, can be no real check on the entries in the statement. I agree with the settlement officer of Lucknow in thinking that no European officer, however willing, can correctly estimate the value of standing crops, or accurately determine the productive power of various soils; and I am inclined to think that the settlement officer of Roy Bareilly has attached too great an importance to a minute inspection of the entire cultivated area of each village; the results of these operations in two pergunnahs are said to exhibit an increase of 29 per cent. in the summary assessment, while

while the rates are Rs. 3. 1. 2. per acre of cultivation, and Rs. 1. 13. 4. per acre of assessable area: the rate per acre of cultivation is undoubtedly high, but I refrain from further remarks until the assessment of the two pergunnahs is reported in detail.

69. In Sultanpore the settlement officer describes the steps taken to estimate the gross rental of each estate. Captain Perkins appears to be guided in a great measure by the physical capabilities of the country to be assessed, and not to place too great a reliance on averages struck on arbitrary principles; his measures, so far as they can be gathered from this Report, are judicious.

70. The settlement officer of Fyzabad has explained in detail what he terms a thoroughly methodical system of assessment. If method consists in the elaboration of a great number of intricate calculations, it must be admitted that the settlement officer has initiated a thoroughly methodical system; but as experience has amply proved that attempts at too great refinement in calculating the average gross rental of a village are labour thrown away, it remains for Mr. Carnegie to prove by practical results that his calculations are not too minute. I shall not endeavour on the present occasion to follow the settlement officer through the mazes of his various problems and tests, but shall defer minutely examining the process until the revision of assessment of a pergunnah is reported; I may, however, here remark that the originality of Mr. Carnegie's process consists principally in an attempt to combine several approved tests worked out by different settlement officers in different provinces. The greater portion of pergunnah Aldemow, containing 562 villages, has been preliminarily assessed.

71. In Seetapore and Hurdul the revision of assessments has not yet commenced.

PART II.

Section I.—*Progress of Survey.*

72. I propose to make a few brief observations on those portions of the District Reports which appear to me to call for remark.

73. The settlement officer of Roy Bareilly, in paragraph 31 of his Report, expresses his regret that an opinion prevails in some quarters that too much attention has been paid to the correct drawing of the field map. Captain MacAndrew adds that his experience does not fall in with the assertion that the boundaries of fields are perpetually changing, which was quoted as one reason why so much attention should not be paid to the field map. These remarks apply, I presume, to the observations made in paragraph 56 of my last year's Report. The settlement officer has, however, misunderstood my meaning: I did not then, and do not now, advocate the preparation of incorrect field maps, but I expressed an opinion, to which I still adhere, that too much time may be spent and labour wasted in elaborating neatly-finished maps. My experience has led me to the conclusion that where coparcenary communities prevail and the land is largely subdivided into proprietary holdings, the boundaries of fields are fixed, but where the land is for the most part cultivated by a non-proprietary tenantry, the boundaries of those fields only which lie close round the village remain unchanged for any considerable period.

74. I cannot coincide with the opinions expressed in the 33d paragraph of Captain MacAndrew's Report; that officer considers it desirable to relax the stringency of my Circular, No. 48, of 1863, and to instruct ameens to enter as irrigated every field the means of irrigating which are at hand. The settlement officer, both in this paragraph and in paragraph 4 of his Report, where he treats of the same subject, has entirely overlooked the fact that the adoption of the procedure suggested by him would in every instance make the capabilities of a village appear far more favourable than they really are. It may be, and in fact doubtless is, quite true, that a field in which pulse or millet is this year sown, and therefore requires no irrigation, will next year have wheat, or poppy, or sugar-cane in it, and will then be irrigated; but this is only the ordinary rotation of crops; and it stands to reason that a certain proportion of the lands of every village will in each year bear crops which do not require irrigation, and a certain proportion will bear those which do require irrigation. The object of the field survey is to ascertain what is the average portion of irrigated and unirrigated lands. If the settlement officer assesses as irrigated all lands which are capable of irrigation, without reference to the proportion which in the ordinary course of agriculture must be unirrigated in any given year, his assessments must necessarily be high. Captain MacAndrew's assessments are high, and it may, in a measure, be owing to his incorrect views regarding the record of irrigation. I shall bear this in mind when his Assessment Report comes under review.

75. The settlement officer of Lucknow, in paragraph 6 of his Report, writes:—"I am inclined to regret the introduction of the English numerals as written by an average ameen; they are less intelligible both to him and us than the ordinary vernacular numerals." An examination of the khusrabs in several districts of the Province led me to the same conclusion, and I have authorised the discontinuance of the use of English numerals in the settlement records whenever application to this effect has been made.

76. In paragraphs 10 and 11 of his Report the settlement officer of Seetapore remarks on the high per-centage of land returned under the heading jheels and tanks. In three pergunnahs it averages 8.38 per cent.; nowhere is it less than 6.74, and in Bareilly it reaches

as high as 10·14. Captain Thompson states that these jheels are usually watercourses, in which during the floods there is some current, and he suggests that much good land might be reclaimed at a comparatively small immediate expense and with considerable profit. The subject is deserving of attention. It must not, however, be forgotten that by deepening the communications between the jheels and the river, and thus drawing off a large quantity of surface water, the injury that would accrue from diminished means of irrigation might counterbalance the advantage of reclaiming land capable of cultivation. If the water could be confined to a limited bed by embankments, and thus prevented from flooding, an unnecessarily large amount of superficial area, while it was still kept available for irrigation, there would undoubtedly be much to be hoped for from the construction of the necessary embankments; but in a country where the crying want is water, the draining off of considerable bodies of water solely to bring the land under cultivation appears to me a suicidal procedure.

Section II.—*Record of Rights, Judicial Work.*

77. Much progress has been made during the year under report in introducing method and system into the settlement courts. Settlement officers are now desired to conform to the provisions of the Civil Procedure Code (Act VIII. of 1859), as introduced into this Province, in all matters relating to the ordinary procedure in the conduct of suits; they have further been directed to take up in the first instance all claims to the proprietary rights in entire villages and claims to sub-settlement in talookdaree villages, leaving claims to shares in independent villages and claims to ordinary under-proprietary rights for future adjudication. I have experienced considerable difficulty in inducing settlement officers to adopt a correct nomenclature of suits. Claims to the proprietary right of a village were ordinarily styled "Claims to Settlement" or "Claims to Lumberdaree." It was only after frequent explanation of the fact that the settlement of a village was an executive and not a judicial function that I induced settlement officers to adopt the correct term. Nothing is more liable to give rise to confusion hereafter than the indefinite wording of a decree. If the settlement officer decrees a claimant the settlement of a village, the proprietary right might be claimed some years hence in the civil courts; and the courts might hold, and justly so, that a decree for the settlement of a village conveyed only a right to engage with the Government for the payment of the land revenue, and in no way affected the proprietary right.

78. The decisions in a large number of cases in appeal, have tended to determine the principles on which the settlement is based, and to form precedents for the guidance of settlement officers in disposing of most questions. It is satisfactory to find the assistant settlement officer in charge of the Oonao settlement reporting that in the Suffeepore pergunnah fewer untenable claims to the proprietary right in villages have been instituted, or, if instituted, proceeded with, and also that fewer false documents are filed.

79. The settlement officer of Durriabad is correct in stating that several very difficult cases have arisen in his district; in fact I find that claims to the proprietary right in villages in the neighbourhood of Lucknow, are always more difficult of satisfactory decision than those relating to villages further removed from the capital.

80. The settlement officer of Pertabghur has not strictly adhered to the instructions contained in my Circular, No. 50, of 1863, and has taken up a number of cases which could have been more satisfactorily disposed of at a later stage of his proceedings. For instance, there are in Pertabghur, as in Fyzabad, a large number of estates composed of several villages, or fractional parts of villages; these estates are owned by coparcenary communities, and each shareholder holds in severalty his proportionate share of the entire land of the estate; but such shareholder's land may be situated within the boundaries of one village, or of two or more villages. Now, if the proprietary occupancy of the land is inquired into village by village, without reference to the constitution and tenure of the estate as a whole, much injustice may be done, and endless confusion will arise. Mr. King has not properly appreciated the difficulty of dealing with these estates, and has attempted to dispose of isolated claims relating to one village of an estate, without having, in the first instance, ascertained the fractional rights and interests of all the shareholders in the entire estate. I have lately prescribed a form of khewut or statement, No. III., for estates of this kind, and have given strict injunctions to the settlement officers to be very careful not to take up any claims to shares in such estates until they are prepared to enter on a general inquiry into the rights and interests of each and all the shareholders in the estate.

81. In paragraphs 26 to 29 of his report, the settlement officer of Fyzabad, describes estates of this kind; these estates are easily susceptible of being traced back to their original formation: say that A. is a landholder, owning 44 villages, and he has four sons, B., C., D., and E. On A.'s death, each son takes, as his share of the paternal estate, an entire village and one-fourth of each of the remaining 40; as generation succeeds generation, the various offshoots of each family increase in number, and subdivide the lands forming the estate of B., C., D., and E. We will say that B.'s family branches off into five families having independent estates; we shall then find the one village taken by B. now divided into five, and each fifth portion of B. will own the whole, or a portion of the fourth of each of the 40 villages which fell to B.'s share; in the same way C., D., and E. will have expanded into a fewer or larger number of families. This intricate subdivision of villages amongst different estates has been rendered more complicated by the disruption of some of the estates, and their absorption by the remainder. These families, however, being connected

connected by descent from a common ancestor, are linked together by ties of blood relationship, and during the unsettled times prior to the annexation of the province, they often united together to withstand the attacks of their stronger neighbours.

82. So again in the case of villages not owned by the brotherhood, but lying interspersed among the villages of the brotherhood, it is often found that the owners, with a view to obtain the protection of the coparcenary communities, have voluntarily included their villages in the estates of the brotherhood. So jealous, however, were the respective families one of the other, that it is seldom a stranger's village is found in the estate of one family only. When seeking the protection of the clan, the stranger was obliged to divide his village into several parts, and place a part in the estate of each branch of the clan.

83. In the Fyzabad district there have been found about 30 villages, belonging to Brahmins and others, thus placed as a precautionary measure in the coparcenary mehals of the Rajkoomars. Investigations have shown that the original proprietors have never lost possession of their villages, and have never paid to the Rajkoomars, the nominal owners, more than the Government demand. In many instances it has been found that the original proprietors paid the revenue direct to the King's officers, and that the Rajkoomars got credit for the amount deducted from their engagements; in such cases the original proprietors have been recognised as proprietors of their villages, and their connection with the Rajkoomar mehals has been entirely severed.

84. In regard to under proprietary rights, I beg to draw attention to the very satisfactory account given by the settlement officer of Fyzabad of the relations existing between the talookdars and under proprietors in that district. When examining into the results of the judicial decisions in suits for under-proprietary rights in an earlier portion of this Report, I remarked on the number of claims decreed by consent; and I have reason to believe that in some instances, the talookdars waived their right to the full benefit of the rule which directs that those subordinate rights only shall be recognised which existed at annexation. The talookdars, headed by Maharajah Maun Sing, have shown a commendable spirit of concession, and have afforded proof of their willingness to admit all claims which they consider valid.

85. On this subject the remarks made by the settlement officer of Durriabad appear to me to be peculiarly pertinent, for, while stating that, so far as present experience goes, the talookdars have shown themselves as liberal as can perhaps be fairly expected from them, the settlement officer remarks, that liberality to the tenant will not assert itself as the natural consequence of enlightened self-interest, until the rights of the respective parties have been settled once for all, and the talookdar is sure of his position, and is no longer harassed with the fear that his property may be saddled in perpetuity with what he grants as an individual favour, or that privileges liberally bestowed may be distorted into rights.

86. Mr. King observes, that only 25 cases have been decreed by admission of the talookdars. The increase, however, discernible in this class of cases, encourages him to hope that there may be a considerable number in future years.

87. The settlement officer of Roy Bareilly has been engaged chiefly on coparcenary villages, and has not had much opportunity of judging of the disposition of the talookdars towards the under proprietors. I do not myself see why the issue of a decree in each case should act as a bar to voluntary arrangements to the extent described by the settlement officer.

88. In Lucknow claims for subordinate rights have not been generally preferred. Since the submission of the settlement officer's report, I have reason to believe that several of the leading talookdars of this district have sent in to the settlement officer lists of the subordinate claims which they are prepared to acknowledge of their own motion. In one instance the talookdar has even now admitted a right to sub-settlement which had been rejected in the settlement courts.

89. The settlement officer of Sultanpore is not inclined to give his talookdars credit for much liberality, and sees no reason to expect material assistance from any of his talookdars. In Seetapore, on the contrary, the settlement officer has every reason to feel satisfied with the way in which claimants to under-proprietary rights have been dealt with by the talookdars. The practice there adopted, of confronting the talookdar with the claimant, and ascertaining, by a searching examination of the parties, whether there is or is not a valid claim, is a sound one.

90. In Oonao the claims to under-proprietary rights have been comparatively few, and have generally been allowed. The Rajah of Morawan and Mohunt Hurchurn Doss are the principal talookdars. Rajah Kasheepershad of Sissendee has a few villages, which have been given him in reward, and I am glad to observe that the assistant settlement officer reports that he seems disposed to treat the old proprietors with consideration; the Mohunt has always granted liberal terms to his under proprietors.

91. With reference to settlement commissioner's circular, No. 46, of 1863, which directs the settlement officers to use every endeavour to ascertain whether under-proprietary rights exist even when not claimed, I regret to be obliged to express my opinion that the provisions of this circular have not been carried into effect. I am inclined to believe that the under-proprietary class in the Pertabghur district who have sued for sub-settlement have been somewhat hardly dealt with, as, having been cast in their suit for sub-settlement, they have not claimed, and therefore have not been granted, any seer or nankar. This inference is borne out by the results of the appeals preferred to my court from the orders of the district courts on claims of this nature, for, as I have already shown, out of eight appeals preferred by under proprietors against orders rejecting their claims to seer and nankar, seven

have been decreed in their favour. I have now adopted a new mode of procedure, and in all cases in which a claim to sub-settlement is rejected on appeal, I direct the settlement officer to ascertain whether the claimants are entitled to seer and nankar, and to report the result of their investigations to me.

92. The remarks in the preceding paragraph are applicable principally to the Pertabghur district. In the other districts claims to subordinate rights have not yet been taken up, with the exception of Oonao, where the statements show that the instructions regarding claims to rights of this nature have been properly carried into effect.

93. The settlement officer of Roy Bareilly expatiates on the great amount of litigation flooding the settlement courts, and offers certain suggestions with a view to reduce the work. The question of enforcing the stamp law in the settlement courts has already been referred to the Supreme Government, and negatived. I cannot concur in Captain MacAndrew's opinion, that, so far as the orders of Government are concerned, "to maintain under-proprietary rights as they existed in 1855, they are fully carried out by leaving people in possession with a court of justice to go to if their possession is disturbed." The orders of Government require, in my opinion, that all under-proprietary rights shall be ascertained and recorded, and these orders must be obeyed, however great the labour or expense.

94. The litigation in the Roy Bareilly district is by no means so heavy as in some other districts; for instance, Pertabghur and Fyzabad. The work might, I think, be more rapidly disposed of if the settlement officer would adhere to the instructions issued for his guidance, and introduce a more systematic method of arranging his suits. For instance, the settlement officer has taken up many claims to shares and claims based on deeds before the rights of the parties sued have been determined; these claims often involve lengthy investigations, and are subsequently found to have unnecessarily occupied the time of the courts, inasmuch as the parties sued are not possessed of any cognizable right.

95. The settlement officer of Fyzabad mentions the institution of 13 claims based on occupancy only; there have been a few cases of this nature in other districts also. The majority have been preferred by Brahmins and Rajpoots located in the estate by the proprietor and admitted to certain privileges in remuneration of services rendered. The paucity of suits of this nature strengthens the opinion I have always entertained, that rights based on occupancy only, are not recognised by local custom and usage.

Section III.—*Assessments.*

96. Under this heading I venture to offer a few remarks on the observations contained in paragraphs 11 to 14 of Mr. King's report. The settlement officer states that, should the revised assessments of his district be at any future time felt oppressive, sufficient relief will be afforded by lowering the rate of duty now levied on the retail sale of spirituous liquors, and by permitting the manufacture of salt.

97. There can be no doubt that the prosperity of the Pertabghur district is materially affected by both the abkaree and salt laws. The mhowa tree, whence spirit is almost exclusively made, abounds throughout the district, and whatever affects the value of the mhowa fruit materially affects the income of the landowners. I am not aware what the rate of duty now levied on the retail sale of spirits may be, or whether it can justly be termed a prohibitive tax; I have done all that is required in calling attention to the subject.

98. In regard to the prohibition of the manufacture of salt in Oude, I confess that I have never been able to understand why the prohibition has been enforced. The subject appears to me to have been treated more as a provincial than an Imperial matter. That attention should have been paid to the objections urged by the North-Western Provinces authorities against the licensed manufacture of salt in Oude, either free of duty or subject to a lower rate of duty than that imposed on imported western salts, is intelligible, because the diminution in the salt revenue of the North-Western Provinces was a direct loss to the Imperial treasury, inasmuch as it proved that the high-duty salt was displaced by the low-duty salt; but if the Oude salt be subjected to the same rate of duty as the imported western salt, I cannot comprehend how the Imperial revenues can suffer by the consumption of Oude salts in preference to the western salts. That the receipts of the North-Western Provinces would diminish, while those of Oude would increase, is true; but the Imperial revenues would not be affected. I trust I shall be excused for hazarding these remarks, which may be said not to fall within the legitimate scope of an annual report on settlement, but as the subject appears to me to affect the prosperity of the province, I have considered it my duty to give expression to my opinions.

Section IV.—*Miscellaneous.*

99. The introduction of revised assessments, which include a small dāk cess, appeared to me to be a favourable opportunity for making some attempt to improve the district postal arrangements; I therefore directed the settlement officer of Oonao to form postal circles in those portions of his district in which the dāk cess was levied, and to appoint postmasters and letter-carriers within such circles; knowing that the funds at his disposal were limited, and being anxious to provide, as far as possible, for a postal establishment distinct from the revenue and police establishment, I suggested to the settlement officer that it would be advisable to make use of the services of district registrars and village putwarees

putwarees as postmasters. These men being already in receipt of a certain salary would, I thought, be glad to undertake the duties of postmaster for a small grant-in-aid from the dâk cess. The arrangements made by the settlement officer in accordance with my instructions were, after submission to the Postmaster General, North-Western Provinces, forwarded for the approval of the Chief Commissioner, and have been introduced as a tentative measure. These arrangements will be extended as the revised assessments come into operation.

100. The principle is, as above stated, to establish circles of villages, and to appoint to each circle a postmaster and one or more letter-carriers. It is intended that these letter-carriers shall visit every village in the circle at least once a week, both for the purpose of delivering letters, and also to take for posting at the post office of the circle any letters that the villagers may wish to send. In the two tehsils of the Oonao district into which these arrangements have as yet been introduced there are 496 villages; these have been arranged into seven circles. In five circles independent postmasters on a salary of five rupees per mensem have been appointed, and in two circles the putwarees of the village in which the post office is fixed have undertaken the duties of postmasters, receiving a grant-in-aid of two rupees per mensem. In all, 12 letter-carriers on a salary of Rs. 2. 8. per mensem have been appointed. These men receive also a fee of one pice per letter on delivery. The total cess being Rs. 1,240. 12. per annum, the expenditure will be as follows:—

	Rs.	a.	p.
Moiety of sudder dâk mohurir's salary - - - -	60	-	-
Runners for carriage of district dâks - - - -	384	-	-
Salaries of postmasters - - - - -	348	-	-
Salaries of letter-carriers - - - - -	360	-	-
Stationery and contingencies - - - - -	88	12	-
Total - - - - -	Rs. 1,240	12	-

101. Shortly before the close of the year under report, the Chief Commissioner, acting under the powers vested in him by Section 39 of Act VI. of 1857, specially appointed the settlement officers to take up the lands required for the Oude Branch Railway Company. The instructions were received so few days before the end of the year, that no land was appropriated before 30th April 1864. I am, however, glad to be able to state that up to this date the railway company has been put in possession of the land required in several villages both in the Oonao and Lucknow districts, and that the construction of the railway from Lucknow to Cawnpore has commenced.

102. I have already forwarded to the Chief Commissioner extracts from the district reports of the paragraph treating of female infanticide. My circular directing the settlement officers to make special inquiries into the subject has been overlooked by several officers, and their opinions, as expressed in their reports, are drawn from general information. The settlement officer of Fyzabad has obtained some statistical information on the subject, and from his inquiries it appears that the crime of female infanticide, though not as yet thoroughly eradicated, is decidedly on the decrease.

Paras. 103 to 123, relating to the conduct of officers, are omitted.

124. I beg to submit, as an Appendix to this Report, copy of a memorandum which I have written on the settlement of this province, examining the principles on which subordinate rights are recognised, and instituting a comparison between the practical working of the Oude rules and the North-Western Provinces law.*

* This memorandum has been printed for private circulation.

125. In conclusion, I venture respectfully to request that the annual reports of the settlement department for the years 1862-63, as well as the present report, may be printed and circulated. The several settlement officers in the province ought to have an opportunity of seeing these reports, as they have no other means of ascertaining how their work stands comparison with that of their neighbours. There appears to be much misapprehension amongst the public generally in regard to the settlement operations in this province. The publication of the settlement reports might help to remove such misapprehensions, and would at the same time give the authorities of the province the benefit of the expression of public opinion on their measures.

126. Copies of all the important circulars and rulings issued during the year are submitted herewith.

STATEMENT showing the Number of Cases decided by the District Courts during 1863-64, and the Result of Appeals.

NAME of DISTRICT.	NAME and RANK OF OFFICER.	Number of Cases decided by the Lower Court.					Number of Appeals instituted.					Disposal of Appeals.				Per-centage of Appeals to cases dis-posed of.	Per-centage of Orders upheld to Appeal disposed of.	Per-centage of Orders modified, re-versed, or remanded, to Total Number of Appeals disposed of.			
		Claims to proprietary right in entire mouzah.	Claims to shares of pro-pretiary right in entire mouzah.	Claims to under-proprietary right in entire mouzah (Pookhta).	Claims to under-proprietary right in less than entire mouzah, scer, &c.	Miscellaneous.	Claims to proprietary right in entire mouzah.	Claims to shares of pro-pretiary right in entire mouzah.	Claims to under-proprietary right in entire mouzah (Pookhta).	Claims to under-proprietary right in less than entire mouzah, scer, &c.	Miscellaneous.	Total.	Upheld.	Modified.	Reversed.				Struck off.	Total.	
Lucknow	W. C. Capper, Esq., Settlement Officer	524	200	36	18	5	783	A.	B.	C.	D.	E.		85	9	11	-	105	16.1	81.0	19.0
	Captain S. S. Boulerson, Assistant Settlement Officer	511	108	1	26	6	652	511	108	1	26	6		52	2	8	1	63	11.0	84.1	15.9
	TOTAL	1,035	308	37	44	11	1,435	1,035	308	37	44	11		137	11	19	1	168	13.8	82.1	17.9
Oonao	R. H. Clifford, Esq., Settlement Officer	5	49	-	30	100	184							77	7	8	2	94	60.3	84.0	16.0
	G. B. Maconochie, Esq., Assistant Settlement Officer	266	116	2	27	116	527	266	116	2	27	116		47	4	4	1	56	11.4	85.7	14.3
	TOTAL	271	165	2	57	216	711	271	165	2	57	216		124	11	12	3	150	22.6	84.6	15.4
Durrabad	Major F. E. Chanier, Settlement Officer	239	93	6	-	-	338							53	7	16	-	76	24.9	69.7	30.3
	H. B. Harrington, Esq., Assistant Settlement Officer	582	104	61	-	-	747	582	104	61	-	-		63	2	16	1	82	12.7	88.1	21.9
	TOTAL	821	197	67	-	-	1,085	821	197	67	-	-		116	9	32	1	158	16.5	74.1	25.9
Roy Bareilly	Captain J. F. MacAndrew, Settlement Officer	219	135	3	7	3	367							43	4	6	1	54	18.0	81.5	18.5
	G. Lang, Esq., Assistant Settlement Officer.	501	95	49	206	11	862	501	95	49	206	11		39	4	6	1	50	7.1	80.0	20.0
	TOTAL	720	230	52	213	14	1,229	720	230	52	213	14		82	8	12	2	104	10.3	80.8	19.2

Saltapore	Captain J. Perkins, Settlement Officer - Lieutenant W. E. Forbes, Assistant Settlement Officer - - - -	287 203 490	58 11 69	59 189 248	3 5 8	32 10 42	439 418 857	50 23 73	4 2 6	1 1 2	1 - 1	1 - 2	1 - 1	57 27 84	40 9 49	2 - 2	4 1 5	2 2 4	48 12 60	13'0 6'5 9'8	87'5 91'7 88'6	12'5 8'3 11'4
	TOTAL - - - -																					
Pertabghur	R. M. King, Esq., Settlement Officer - Captain E. G. Clarke, Assistant Settle- ment Officer - - - -	85 56 141	261 133 394	283 312 595	120 183 303	167 4 171	916 688 1,604	23 7 30	18 12 36	93 102 195	1 1 2	12 2 14	1 2 2	147 124 271	108 76 184	7 6 13	11 37 48	6 2 8	132 121 253	16'0 18'0 10'7	86'4 64'5 73'8	13'6 35'5 26'2
Fyzabad	P. Carnegie, Esq., Settlement Officer - Captain R. Ousely, Assistant Settle- ment Officer - - - -	298 15 313	3 157 160	373 - 377	219 1 220	155 48 203	1,048 221 1,269	12 1 13	8 3 11	70 - 70	- - -	1 - 1	- - -	91 4 95	77 3 80	- 1 1	7 - 7	1 - 1	85 4 89	8'7 1'8 7'5	91'8 75'0 91'0	8'2 25'0 9'0
Seetapore	Captain E. Thompson, Settlement Of- ficer - - - - Lieutenant G. G. Young, Assistant Set- tlement Officer - - - -	277 - 277	374 5 379	9 - 9	58 - 58	7 - 7	725 5 730	4 - 4	3 - 3	- - -	- - -	- - -	- - -	7 - 7	6 - 6	- - -	1 - 1	- - -	7 - 7	1'0 - 1'0	85'7 - 85'7	14'3 - 14'3
Hurdai	C. Lindsay, Esq., Settlement Officer - O. Wood, Esq., Assistant Settlement Officer - - - -	247 143 390	77 - 77	13 1 14	33 21 54	14 1 15	384 166 550	15 - 15	- - -	3 - 3	- - -	2 - 2	- - -	20 - 20	12 - 12	2 - 2	1 - 1	- - -	15 - 15	5'2 - 3'6	80'0 - 80'0	20'0 - 20'0
	GRAND TOTAL - - - -	4,458	1,979	1,397	957	679	9,470	533	193	339	12	65	1,142	790	57	137	20	1,004	12'0	80'7	19'3	

(signed) C. Currie,
Settlement Commissioner.

Lucknow, 4 July 1864.

STATEMENT of Appeals from the Decisions of Settlement Officers instituted in the
Settlement Commissioner's Court during the Year 1863-4.

NATURE OF CASES.	Pending at Close of April 1863.	Instituted in the Year 1863-4.	TOTAL.	Number of Appeals Disposed of.				TOTAL.	Pending at Close of April 1864.
				Upheld.	Modified.	Reversed.	Struck off.		
For the proprietary right in a village -	30	516	546	366	21	61	3	451	95
For possession of a share in a village -	36	222	258	167	29	32	2	230	28
Application for record of intermediate right in talooka - - - -	26	340	366	276	21	56	1	354	12
Application for reduction of jumma -	2	5	7	5	-	-	1	6	1
Boundary dispute - - - -	9	24	33	30	2	1	-	33	-
Miscellaneous - - - -	-	63	63	49	5	4	1	59	4
TOTAL - - - -	103	1,170	1,273	893	78	154	8	1,133	140

Settlement Commissioner's Office, }
4 July 1864.

(signed) C. Currie,
Settlement Commissioner.

From the Secretary to Chief Commissioner, Oude, to the Settlement Commissioner, Oude ;
(No. 2,258, dated Lucknow, the 18th July 1864.)

I AM directed to acknowledge the receipt of your letter, No. 2,985, dated 4th instant, reporting on the settlement operations during 1863-64, and, in reply, to communicate the following remarks :—

2. The Chief Commissioner gathers that the demarcation of village boundaries has been completed, except in some tehsils of the districts of Hurdul and Seetapore, where a large number of boundary disputes require to be decided on the spot, and the districts of Gondah and Baraitch, and one tehsil of Mahomdee. With reference to the obstruction caused to the revenue surveyors, by discrepancies between the boundaries marked on the ground and those shown on the map, he agrees with you in thinking that landholders who, in replacing pillars destroyed by the rains, designedly change their situation, render themselves liable to the penalties of Act I. of 1847.

3. It is not apparent why Mr. Kavanagh neglected to avail himself of the relief offered to him by transferring certain appeals from the orders of his assistant in boundary disputes to the settlement officer.

4. Mr. Kavanagh's Report of the demarcation of waste lands in the Mahomdee district, in pursuance of the instructions conveyed in Chief Commissioner's letter, No. 2,209, dated 15th July 1863, will be noticed in a separate communication, as the subject has no connection with settlement operations.

5. The re-organization of the khusrah survey establishments, on the principle of reducing the number of working ameens and increasing the supervising agency, which was carried into effect last year, has received the sanction of the Supreme Government: the result appears to be that 1,962,547 acres = to 3,066½ square miles, have been surveyed during the past year at a cost of 1,39,141 rupees, against 2,152,914 acres = to 3,364 square miles, at a cost of 1,67,362 rupees in 1862-63. Supposing the survey of the excess area in 1862-63 to have cost at the average of 70 rupees per 1,000 acres, about 14,000 rupees, a saving of rather more than 14,000 rupees has been effected by the new system. It has not been our object to show a large area surveyed; our endeavours have rather been directed to prevent the survey getting too far in advance of the assessment.

6. The salaries of the settlement officers and their establishments have been excluded from the return for former years as well as the past. The rate at which the survey falls per acre is still highest in the Durriabad district, without any good reason for it. The Chief Commissioner observes, from the statement you have since supplied him with, that the average cost per square mile in all the districts under settlement has been Rs. 47. 8. 9, while in Bengal it was Rs. 36. 12. 8. If, as he believes, the survey of the interior area is far more detailed here than in Bengal, since the survey is not wanted for the purpose of assessment in that province, the difference in amount is accounted for, and the Oude rate is not high.

7. The Chief Commissioner notices that Mr. Carnegy in his report speaks of the great advantage that has attended a new system, introduced by him, of employing the regular ameens to survey the village sites (abadees) at the same time as the village lands, instead of telling off a certain number of ameens as was before the practice for this special work, and remunerating them by a fixed salary: if the convenience, accuracy, and economy described by Mr. Carnegy have resulted from the new plan, it would be well to prescribe its general adoption.

8. No conclusion can be formed from the statistics shown in Statement 2, Appendix 5, unless the whole district has been surveyed. The high proportion of cultivation to area in the Seetapore return will not be sustained when the survey of the North-Western portion of the district is completed. Except in the districts of Baraitch and Mahomdee, it will probably be found that rather more than half the area is under cultivation. The proportion of the area of certain districts covered with groves is certainly less than was supposed. The quantity of rent-free land is very small, except in the Roy Bareilly district, where it is probably swelled by the large grants made by our Government to the Rajah of Morarmow.

9. The Chief Commissioner has before remarked that much of the so-called oosur or barren waste in the Oonao and Pertabghur districts will hereafter be brought under cultivation, and he is supported in this belief by the remarks of Captain MacAndrew, Settlement Officer, Roy Bareilly, on that subject, in the 55th paragraph of his report. That officer says, it is not difficult to determine whether land is barren or not, for in tracts that at first sight appear unmistakeably so, patches of rich land will be met with; and he describes a village that has been farmed since annexation, by enclosing a portion of a seemingly barren plain, and yet the land lets at 8 rupees an acre. The Chief Commissioner has no doubt that when the settlement is concluded much of the oosur land will be successfully cultivated, but it is of no consequence if it has been erroneously classed as barren, for the settlement is not perpetual; and from the Assessment Reports that have come under his notice, it appears that the rate on culturable waste rarely exceeds 4 annas an acre, unless the spontaneous produce of the soil happens to be as valuable as artificial crops, which on the banks of rivers and near large stations is often the case.

10. The Chief Commissioner believes your estimate of the population of the province to be by no means exaggerated. He reckoned it last year, after careful comparison with the area and population of adjoining districts in the North-Western Provinces, and always assuming them to be more thickly peopled than our districts, at between eight and nine millions. The census returns of the Oonao district must be nearly as accurate as such returns can ever be, and, therefore, the Chief Commissioner does not think your average of 450 per square mile for the seven districts south of the Gogra can be too high; this would only give a population of 768,150 to Pertabghur, and yet it is quite impossible to suppose that the population of the continuous district of Jounpore, with an area of only 1,463 square miles, should be 995,065, as the last census returns of the North-Western Provinces make it, that is, upwards of one-fourth more than the population of Pertabghur, which has an area of 1,700 square miles.

11. With reference to the large proportion of the area of some districts taken up by jheels or tanks, from which irrigation is so extensively carried on, the Chief Commissioner observes that in the 76th paragraph of your report you allude to a suggestion of Captain Thompson, Settlement Officer, Seetapore, to carry off the water by deepening the communication between the jheels and the river, and thus reclaim a large proportion of the land now submerged. The Chief Commissioner agrees in your conclusion, that in a country where irrigation is so valuable it would be injudicious to diminish the means of supplying it for the sake of increasing the area of culturable land: to confine the water by embankments seems a better scheme, but it may, perhaps, affect the interests of the proprietors, whose lands are situated lower down the course of these jheels. Until, however, a series of levels has been taken, it is impossible to come to any conclusion on the subject. The Chief Commissioner will cause this to be done if the landholders will defray the cost of the measure. If Colonel Cotton's scheme of two canals traversing the entire length of Oude, north and south of the Goomtee, be carried out, these lakes could probably be drained into the canal, and thus a large area of fertile land would be set free for cultivation: the Chief Commissioner mentioned this circumstance to Colonel Cotton on his visit to Oude last year.

12. The difference between the professional and khusrah survey is, the Chief Commissioner believes, within the limit allowed, 5 per cent., on the total area. It is great in culturable and barren area, but the Chief Commissioner would have no hesitation in accepting the khusrah returns as most correct on this head, for the surveyor's establishment is not so interested in securing accuracy in these details.

Preparation of Records.

13. The statement does not show how the amount of work bears comparison with the returns of the previous year; the cost has been considerably greater. The rate per acre should also be shown for both years. The instructions referred to in your 52d paragraph are approved.

14. In speaking of the total cost of settlement under this chapter, the Chief Commissioner presumes you to refer to all branches of the work. The unduly high expenditure in the Roy Bareilly district may be owing to the preparation of the very elaborate rent statements, which the Chief Commissioner pronounced unnecessary, in his review of last year's report, and only permitted on the condition that it involved no expense.

15. The Chief Commissioner regrets to find Mr. King rendering himself amenable to censure for neglect of the pecuniary interest of Government. The printing charges of

former years defrayed in the last were excessive, and his neglect to reduce the record establishments in tehsils, in which neither the review of assessment nor judicial investigation was going on, seems quite inexcusable; on this point he should be called on to furnish an explanation. Last year the Chief Commissioner complained of Mr. King's disregard of the value of time; he must now remark that he seems as insensible to the value of money.

Assessments.

16. In passing orders on the reports of the settlement of certain pergunnahs in the Oonao and Pertabghur districts last year, the Chief Commissioner expressed his opinion that, with advenience to the great rise in prices, improved communications, and consequent accessibility of markets, the revised assessment was not high. In Pertabghur it falls at Rs. 2. 2. 10. per acre on cultivation, which is certainly a moderate rate, though at this the assessment has been raised 1,80,277 rupees, in two out of four tehsils. In Oonao, the rate per acre of cultivation is Rs. 2. 8, which is, however, below the rate in the adjoining districts of Cawnpore and Futtehpore, at the settlement of 1833; therefore, it cannot well be high. That settlement was on the basis of two-thirds of the rental, and ours is on half; but, owing to the rise in the value of land, it is probable that the rate will be maintained after revision of settlement on the latter principle. Probably the revised demand in the Pertabghur district is less than 50 per cent. of the rental, but in raising the demand on an under-assessed district, a settlement officer may well err on the side of moderation, and the Chief Commissioner is well satisfied with the result. In Oonao there has been a slight reduction of the summary settlement demand, but this district was fully assessed, and some villages were grievously over-burdened, and relief has been given by equalising the demand. The Chief Commissioner has a strong conviction that this settlement will work well. You are aware that in the Pertabghur district the assessment of the large estate of the minor, Dewan Run Beji Bahadoor Sing, which was complained of as excessive by his mother, has been found by the manager under the Court of Wards to be under 50 per cent. of the rental. Baboo Ajeet Sing, too, while he affirmed the demand on his own estate to be too high, said the other talookdars had no cause of complaint.

17. Captain MacAndrew's assessment of seven pergunnahs of Roy Bareilly falls at the rate of Rs. 3. 1. 2. per acre on cultivation, which is, as you remark, undoubtedly very high. In two out of the seven pergunnahs he has raised the Government demand from 61,813 rupees to 79,736 rupees, or by about 18,000 rupees. Certainly the Doondia Khera pergunnah comprises a very fertile tract of country. Captain MacAndrew is a very valuable officer, and thoroughly understands his work; moreover, he has made the rental given in by the putwaree the basis of his demand; but the Chief Commissioner trusts to your satisfying yourself that it is not too high, when he reports his settlement of the pergunnahs. It has been so often explained to officers that the most anxious wish of the Government is that the settlement should be moderate, that the Chief Commissioner cannot suppose that any officer thinks his success will be measured by the extent to which he has raised the Government revenue, and therefore cannot be under any inducement to assess too high.

18. Captain MacAndrew has struck average rent rates, but does not explain how he formed them. The Chief Commissioner observes that he, like all other settlement officers, reports that rent rates on kinds of soils are unknown to the people of this province.

19. The Chief Commissioner concurs in the views expressed in your 74th paragraph on the record of irrigated land in the khusrah.

20. Mr. Carnegie, Settlement Officer, Fyzabad, has explained at great length the measures adopted by him for ascertaining average rent rates and the assets of villages. The Chief Commissioner agrees with you that it involves too many elaborate and intricate calculations, among which the mind may well get confused. Of course, much latitude must be allowed to settlement officers in determining their data of assessment, but the Chief Commissioner has already frequently expressed his approval of Mr. Clifford's system, which combines three sources of information—average rent rates on three or four kinds of soil for the pergunnah or chuck, the village rates applied to all the cultivated land in the village, and the khuteonee or village account of the rental.

21. Mr. Carnegie says that his system gives a revenue rate nearly double that of the Goruckpore district, while the talookdars express themselves highly satisfied with the result. The subject will be more fully entered into when his first settlement report is received.

22. The result of settlement operations in the matter of assessment up to this time is that, from 1st May, about 1½ lakhs have been added to the Government revenue, while the entire costs of the operation up to the same date have been Rs. 13,44,360. 5. 3.; that nearly the whole of the Oonao district, and one-half of Pertabghur, have been assessed, while arrangements are nearly complete for introducing revised assessments from the ensuing khureef in a tehsil of Sultanpore, two pergunnahs of Roy Bareilly, and a pergunnah of Fyzabad. It may also be expected that, before the close of the year, the assessment of many other portions of districts will have been fixed, so that they may be introduced from 1st May 1865.

Record of Rights.

23. With the exception of two extra assistants named by you, who are in the first grade, the rest should, the Chief Commissioner thinks, be confined to the duties prescribed for them in Circulars, Nos. 50 and 63, of 1853.

24. Of 29,654 judicial cases pending in the courts during the past year, 11,082 have been disposed of. This does not seem a large proportion, and even from it a deduction must be made for claims to engage for villages secured to talookdars by sunnud and by relatives of talookdars, to obtain their maintenance allowances in the form of under-proprietary tenures, which are at once thrown out. But many were of extreme difficulty, requiring lengthened investigation; and this circumstance must be considered in reviewing the amount of judicial work done by the several officers. In Oonao the cases were mostly of a light nature, which is shown by so large a proportion having been disposed of by the Extra Assistant Commissioner. More might, the Chief Commissioner thinks, have been done in Roy Bareilly. Pertabghur shows great improvement in the past year, and the largest number of cases disposed of in any district. Fyzabad does not show a large return, but the litigation has been diminished by 193 cases, in which the talookdars admitted claims to sub-settlement of entire villages.

25. The appellate business of your court has been dispatched with great promptitude, and you have exercised freely your powers of review.

26. The appeals to the Chief Commissioner from your orders were 365, of which 226 were disposed of in the way shown in the accompanying form:—

Pending last Year.	Instituted.	TOTAL.	Rejected or Confirmed.	Modified.	Reversed.	Remanded.	Razemanabs.	Total Disposed of.	Pending on 30th April 1864.
16	349	365	188	9	10	19	—	226	139

27. The districts of Lucknow and Durriabad have furnished the most intricate and troublesome cases that have come before the Chief Commissioner in special appeal on review; they relate mostly to estates held by small proprietary families and of the Mahomedan religion; they turn generally on a question of mortgage, sale or inheritance, but not unfrequently of possession, for the use of fictitious names, "farzee," in engagements with the State was common. The tenure of small properties in the vicinity of Lucknow was during the native Government most precarious. Nazims let the villages to the highest bidders, or to persons having friends at court, for a bribe, while the successive possessors sold and mortgaged their interests; sometimes they were given in jagheer by the kings; the Chief Commissioner has noticed often five or six different claimants of nearly as many different castes for the same village. If the 12 years' term of limitation were not applied to claims by mortgagors to recover possession, it would be almost impossible to dispose of these cases, for the chain of mortgages often extends over more than 60 years; and such changes have taken place during that period, by the incorporation or severance of village areas, that the identity of the land could seldom now be established: the genuineness of the title deeds would also be contested on every point, and before our rule there were no prescribed formalities for the execution of such instruments which would serve to test their authenticity.

28. The Chief Commissioner has also, after consulting the best authorities, passed decisions which will serve as precedents in questions of the right of females of the Sheeah sect of Mahomedans and of Hindoo females, according to local customs, to inherit landed estates, and other rulings in special appeal on questions of sale, mortgage, &c. have been circulated as leading cases, with the view of insuring uniformity of decision in the settlement courts.

29. In Pertabghur many difficult cases of claims to sub-settlement of entire villages have also presented themselves; but these turn on questions of fact, not of law.

30. Though all appeals come before the Chief Commissioner as special under Act VIII. of 1859, and a special appeal does not lie on the facts, yet the power of review vested in the appellate courts of the province, which he considers should be frequently exercised, has compelled the Chief Commissioner to send for the proceedings, and go into the facts in a very large proportion of cases, especially of claims to sub-settlement of entire villages, which can rarely be disposed of satisfactorily on perusal of the mere judgments.

31. The Chief Commissioner has thus had an opportunity of thoroughly scrutinizing the proceedings of the settlement courts, and he may say that he is well satisfied with the very complete manner in which the investigations have been conducted; every word of the evidence is recorded in English in the officer's own hand, the fullest liberty to call witnesses is given to the parties, and no labour in taking down the evidence is grudged; the exhibits, such as leases (pottahs), receipts for rent, &c., are also all rendered into English, and it is but seldom that the Chief Commissioner has been obliged to remand a case for further inquiry.

The Chief Commissioner doubts if any civil court in India could show cases more fully investigated, or proceedings more correctly drawn up in the English language, than those sent up by Captain Boulderson and Messrs. Harrington and Lang, the Assistant Settlement officers of the Lucknow, Roy Bareilly, and Durriabad districts. Those that come from Mr. King and Captain Clarke, settlement officer and assistant settlement officer of the Per-tabghur district, are not inferior in essential qualities, though there is perhaps less method in the arrangement. The Chief Commissioner has seen comparatively little of the judicial work of Mr. Capper and Captain MacAndrew, but that little was very good; in short, there is not much left to be desired in the judicial branch of the settlement, but greater rapidity in the disposal of cases, which he thinks may be expected from some districts without asking for incompatible advantages.

32. The Chief Commissioner is rather surprised to find reversals in cases appealed from Captain Clarke's orders 35 per cent., and from Lieutenant Forbes only 8 per cent., being lowest of all; but his conviction of the relative merits of these officers is not the least shaken in consequence; these results are, he believes, susceptible of explanation.

33. From paragraph 38 of your report, and Statement 5 referred to in it, it appears that of 5,899 villages settled with others than talookdars in 1858-59, claims to engage have been disposed of in 2,198; but the Chief Commissioner presumes that in a large number no rival claims have been preferred, and consequently, the settlement of 1858-59 will be maintained in a much larger proportion of these villages than this statement indicates.

34. With regard to claims by talookdars to recover villages from which they had engaged within the 12 years preceding the re-occupation settlement, but which through haste or oversight were excluded from their engagements then, the principle laid down by the Chief Commissioner in the leading case of Bela Teksoe, and in a memorandum* which has been sent round to settlement officers is, that the talookdar must come into court as claimant of an equal, not of a superior, interest, and show a better proprietary title than any one else. The mere circumstance of the village having been in his talooka within the term of limitation goes for nothing; he must establish such a right in it as would give a valid title to any claimant; thus, if the village had been settled with a stranger, and there is no other hereditary claimant than the talookdar, he would in all probability regain it now; but if it had been settled with the hereditary proprietors, and they had never parted with their rights, he would not.

35. The Chief Commissioner thinks the rule must be pronounced just and reasonable; a man is not to be debarred because he is a talookdar from rights which he would possess were he a petty zemindar, and there is no old talooka in which many villages are not the exclusive hereditary property of the talookdar.

36. The proportion of 258 per cent. of claims to sub-settlement of entire villages or specific portions of villages decreed in favour of the under-proprietors, shows these claims have not been exposed to too strict an ordeal when it is considered how strong the temptation to prefer them on no grounds at all.

37. The principle as laid down in Circular, No. 8, of 1861, and repeated decisions of the settlement courts on which these claims are determined, is that the claimants must for a reasonable time have held, if not a permanent lease, yet such a position as shows that the management and control of the village affairs was entirely in their hands. It is not necessary that the rent should have been fixed and unvarying; it may have been excessive at times, nor do breaks in possession constitute a flaw in the title; it has been declared that the circumstance of the talookdar having occasionally taken the village under direct management (kham), and driven the under-proprietors out of it, no more destroy their right to a sub-settlement than the talookdar's title to engage would have been impaired by the Nazim's having treated him in the same way; nor is proof of independent proprietary origin required when it is clear that at the time the village was annexed to the talooka the claimants or their ancestors were in full proprietary possession somehow or other. What is essential is, that their position should be shown to be different from that of persons who held an ordinary lease in the year 1854-55.

38. In your remarks on claims to subordinate rights not amounting to a sub-settlement, you seem to refer to such only as have been instituted within the year, for the Chief Commissioner observes from Statement 4 that 4,081, not 2,747, have been instituted since the commencement of settlement. The proportion of decisions in these cases is still more in favour of the claimants, being 58.2; this was to be expected, as also that a large reduction must be made from the aggregate number for claims to rent-free tenures (maafee) given by talookdars, pecuniary allowances and salaries given in land, for in Oude the remuneration of almost every species of service in the great landed families took the form of grants of land.

39. But with this deduction, the number of this class of claims, which should be the most numerous, seems remarkably small, and the Chief Commissioner fears that due attention has not been paid to the instructions conveyed in Circular, No. 46, of 1863, for ascertaining and recording all rights, whether claimed or not. This impression is strengthened by the remarks of the settlement officer of Durriabad, that a large number of privileges have been granted in every talooka, but the people will not come forward to claim what they have already got; and by the general remarks of the settlement officer of Roy Bareilly on the

record

* Copy annexed.

record of rights, the Chief Commissioner fully believes that the under-proprietary rights, which take the form of land at a low rate, or a money abatement on rent (seer and nankar), are enjoyed to a very great extent, and when they have been so for any length of time, there is no disposition whatever on the part of the talookdar to deny them now; but this circumstance does not render it less necessary in Chief Commissioner's opinion that they should be recorded, for, otherwise, there is no guarantee that they may not be obliterated by time, and as the possessors of these rights, being naturally unable to see the importance of obtaining a record of them, are indisposed to come forward to claim it, we must seek them out.

40. The Chief Commissioner is aware that you have just issued another Circular calling attention to the previous one, and directing that every village in a talooka in which a sub-settlement has not been decreed should be visited by the Sudder Moonserim, and a record made of every person in enjoyment of seer and nankar allowances by virtue of under-proprietary right.

41. The class of cases styled claims to lands held under zemindaree pottahs, seems far more numerous in Pertabghur than any other district; in fact, they are not referred to as a distinct class of claims in other districts: the Chief Commissioner apprehends that these leases were mostly given to Brahmins or Chuttrees of another race, introduced into a village by marriage connection.

42. You have verbally informed the Chief Commissioner that the general statement prescribed by him, showing the proportion of proprietary profits in a talooka intercepted by the subordinate proprietor, has been returned for correction; the Chief Commissioner has seen the return from the Oonao district, and finds it defective; he attaches much importance to the correct preparation of this statement.

43. The Chief Commissioner is not surprised to find Captain MacAndrew writes that the rule which requires claimants to shares in coparcenary villages to furnish proof of possession within 12 years, gives general satisfaction. You have ruled in some decisions, which have been confirmed by the Chief Commissioner in appeal, that possession of seer land or a nankar allowance is good for so much only now, and gives no claim to a share in the profits of the village; similar decisions have been passed by the Sudder Court, North-Western Provinces, and the rule which is, in fact, borrowed from Section 32 of Regulation 22 of 1795, for the province of Benares, is peculiarly equitable in a new province. Under the native Government the great majority of shareholders avoided engaging or taking part in the general management of the village, and contented themselves with their seer land. The bolder and more tenacious took a lease, which was more likely to be an unprofitable speculation than otherwise, in order either to maintain their old position of prominence in the village, or to establish a claim to retain the control in more favourable times. To these men, who have borne the heat and burden of the day, and suffered often ill-treatment, which the more timid and selfish members of the community have shunned, it is particularly galling to see the latter reaping equal advantage with themselves from the limit now placed in the revenue demand under a settled Government. The Chief Commissioner well remembers the disgust created amongst the heads of the proprietary communities at annexation, when members of the body who had been away from the villages for years, or had never taken any part in the responsibilities of management and payment of the State revenue, were admitted promiscuously to shares, as was then the practice. Any satisfaction they experienced in getting their lands out of the talookas was counterbalanced by being compelled to share them with persons who had long severed all connection with them. In your Circular, No. 28, of 1864, on the appointment of lumberdars, you have kept these considerations in view.

44. With a view to expedite the work of assessment, it was ruled last year that it need not await the determination of claims to shares in coparcenary villages, or villages in a talooka in which a sub-settlement had been decreed. This rule may, the Chief Commissioner thinks, be extended with advantage, and the assessment may be declared before all under-proprietary claims not amounting to suits for sub-settlement of entire villages, or specific portions of villages in talookas, are disposed of. Experience tells us now that these will never intercept so large a proportion of the rental as to affect the question of what the Government demand on the talookdar should be, and it was on this ground mainly that their previous determination was deemed essential. In future, then, the only judicial work that should take precedence over that of assessment will be the disposal of claims to engage for estates not included in talookas and of claims to hold an entire village or specific portion of a village comprised in a talooka in sub-settlement.

45. With method and system, then, the judicial decision of rights in the soil should not delay the progress of the revised assessments. Indeed, the Chief Commissioner is inclined to think that, if the provisions of Circulars, Nos. 47 and 50, of 1863, had been strictly attended to, the inconvenience would have been less felt. The settlement officer, Roy Bareilly, seems to have commenced the investigation of rights in one part of the district and the assessment in another, and the consequence is that the declaration of the latter is retarded by reason of the former investigation being yet incomplete. You also justly remark that it is idle to take up a claim to redemption of mortgage till the proprietary right of the mortgagor has been placed beyond doubt.

46. Experience has shown that in the conduct of suits conformity with the provisions of the Code of Civil Procedure 8, of 1859, secures regularity and system without sacrifice of

time or any other important consideration. Settlement officers have been directed to follow the provisions of the code in respect to the examination of the witnesses and parties to a suit; and in a recent decision the Chief Commissioner has required the same attention to the rules prescribed in the code for referring cases to arbitration, which had too often been disregarded, and had thus led to arbitration becoming a fertile source of appeal and renewed litigation.

47. The Chief Commissioner thinks that under the instructions you have given, as explained in your 80th and 81st paragraphs, for dealing with proprietary interests in those great coparcenary estates, which are common in the east of Oude and the adjoining districts of Azimghur and Goruckpore, correct claims should be taken up for the shares in the entire mehal, not in each component village, and the shares in the villages composing the mehal should then be made out. Mr. Carnegie, the Chief Commissioner observes, has tried to deal with each specific portion of a village "puttee," but this must be a most inconvenient process, and he does not see that it is necessitated by the circumstance which not unfrequently occurs of the share of one of the community in a particular village having passed into the possession of a talookdar. The only difference that it makes is that the former owner of that share will occupy the position of a subordinate proprietor in it and pay to the talookdar. The share in question being in a talooka no longer forms part of the coparcenary estate; no doubt, however, the record of the proprietary interests in these great mehals is unavoidably attended with difficulty and trouble.

48. You are aware that during the past year the Chief Commissioner has taken every opportunity of inducing talookdars to admit all just and reasonable claims of under-proprietors, though they may be legally barred, and thus avoid expense and litigation, and preserve amicable relation between themselves and their tenantry: his counsel has not been unheeded, especially by Maharajah Maun Sing, whose influence has been successfully brought to bear on his brother talookdars in many parts of Oude, and in his own district, Fyzabad, where it is very satisfactory to find that claims to the sub-settlement of 193 entire villages have been decreed by consent.

49. The Settlement Officer of Durriabad, the Chief Commissioner observes, says—"The talookdars of his district have pledged themselves to a liberal recognition of under-proprietary rights, and, so far as present experience goes, have shown themselves as liberal as can, perhaps, fairly be expected from them."

50. Mr. King in his last year's Report drew a very unfavourable picture of talookdars in general. The Chief Commissioner demurred to his description, because his experience of them as settlement officer was then confined to one tehsil, in which some of the chief estates were in the hands of women, and he attributed the asperity of Mr. King's language to the worry and irritation caused by excessive litigation. Having called on Mr. King for the personal character of the talookdars of this tehsil, the Chief Commissioner found that, with one exception, he speaks well of them as landlords, and in his Report now before him the Chief Commissioner is glad to observe that he notices an increasing tendency on the part of talookdars to admit claims, and intimates that it will spread, concluding with these words: "I am inclined to believe that my former criticisms on the imputed illiberality of talookdars partly arose from not making due allowances for the reaction on the temper, which exorbitant and unfounded claims upon them must naturally produce."

51. The testimony of the Settlement Officer of Seetapore to the good spirit shown by the talookdars in meeting claims of under-proprietors is very decided.

52. The Settlement Officer of Roy Bareilly is not sanguine of concession being made by the talookdars, but owns that he cannot well speak from experience, as his operations have hitherto been confined to coparcenary estates.

53. The Settlement Officers of Sultanpore and Lucknow say they expect little from amicable arrangements in talookas; neither has yet had much to do with talookdars in their settlement proceedings.

54. The officers who give testimony in favour of the talookdars speak from actual experience, while those whose testimony is adverse speak rather from conjecture. But none of these officers were in the least aware at the time they wrote that 12 or 15 of the chief talookdars of the province had formally consented to an extension of the term of limitation for the hearing of under-proprietary claims from the status of 1854-55, which is the rule at present, to a period of 12 years before annexation: their example will be followed by all, and therefore speculation is out of place on this subject.

55. But it is not the less desirable in consequence of this concession by the talookdars that a spirit of conciliation and desire to abstain from needless litigation should be encouraged in them. This disposition will no doubt be shown or not very much, according to the temper and character of the settlement officer. If there had been a district in which difficulty was to be anticipated in bringing both parties to terms, it was Fyzabad, peopled as it is with the highest caste and boldest Rajpoot races, who have caught the litigiousness that especially distinguishes the adjoining British districts. But in this district the spirit of conciliation has been manifested in the most marked degree. Much no doubt is owing to the sagacity of Maharajah Maun Sing, but more, perhaps, to Mr. Carnegie's tact and popularity with natives, for another officer might have turned Maharajah Maun Sing's influence against him.

56. The

56. The Chief Commissioner does not point at any officer, but it is useless to disguise the fact that there are men who desire to see a landed aristocracy maintained, and others who prefer a peasant proprietary, and that there are men who have a kindly feeling for the people of the country and exercise a spell over them by courtesy of manners, and others whose sympathies are not with natives, least of all with natives of rank, and whose demeanour to them repels all confidence and advances.

57. It is not probable that talookdars will, on a mandate from a superior who dislikes them, make concessions which are regarded but as the tardy and scanty reparation of wrongs, and for which they get no thanks. The Chief Commissioner does not pretend to say that all talookdars are disposed to be just and magnanimous. Many are, he knows, narrow-minded and selfish, but when we find such opposite descriptions given and expectations formed of the talookdars of different districts, we may, the Chief Commissioner thinks, fairly attribute these diversities of opinion in great part to the influence for good or bad that the qualities of each settlement officer enables him to exercise over this class of landholders.

58. It does not seem necessary to notice your comments on the Salt and Excise Departments, further than to remark that it is inconceivable that Mr. King should be ignorant of the fact that the duty on spirits 25° below proof was lowered from Rs. 1. 8. to 12 annas a gallon, or just one-half, from the 1st May 1863.

59. The postal arrangements introduced by you will, if found to work well, effect a great improvement. The Chief Commissioner hopes that the Supreme Government will extend a subvention of 6 rupees for each thanna jurisdiction, which will meet the cost of two delivery peons, and thus enable you to raise the salaries of the postmasters.

60. The Chief Commissioner has already given his opinion of many of the settlement officers in his remarks on their judicial proceedings. Messrs. Lang and Harrington he considers officers of great ability and promise; Captains Clarke and Boulderson are sound, hard-working officers. By the departure of Mr. Clifford we sustained a great loss: he was an eminently practical man.

61. The Chief Commissioner sees no reason to change the opinion he expresses of Mr. King in his review of your former Report. Mr. Carnegy's weak point is that which you touch on, as Chief Commissioner himself had occasion some time ago to observe, but he has great influence and popularity with natives, and is able to effect much good in consequence.

62. The Chief Commissioner need not repeat the opinion he has so often recorded of the abilities of Captain MacAndrew and Mr. Capper, nor need he again say that he thinks Captain Thompson second to no one in the commission.

63. The Chief Commissioner's estimate of Captain Perkins agrees with yours; his manners are, he fears, unconciliatory with natives.

64. The cordial thanks of the Chief Commissioner are due to you for the unremitting supervision you have bestowed on the settlement, and for the hearty zeal with which you have conducted it in conformity with its true principles. The Chief Commissioner is especially bound to recognize the spirit of self-abnegation which has always induced you to give your best efforts to carry out his views on a particular question, even when opposed to your own.

65. The Government of India will be asked to allow your Report and the review to be printed immediately.

MEMORANDUM by C. J. Wingfield, Chief Commissioner of Oude.

WHEREAS, on the principle of reverting to the *status quo* at annexation, possession in 1262-63 Fuslee, corresponding with 1854-55, has been declared to be the basis of the record of under-proprietary rights at this settlement, and as all claims by subordinate proprietors to recover rights of which they were not in possession during those years are barred, so should all claims by talookdars to recover the superior rights of which they were not in possession during those years, be shut out of court. This is equal law for both sides.

2. But though the Chief Commissioner holds that a talookdar cannot recover the right to engage for any village on the bare ground that it was in his talooka prior to those years, the Chief Commissioner does not think he can be debarred from recovering a village as zemindar, if he can prove a better proprietary title within the term of limitation for suits between equal interests, viz., 12 years, than any one else. The right to engage for the Government revenue, which is the special privilege of an Oude talookdar, and secured to him by sunnud, is limited to those villages for which he engaged in 1858-59. In prosecuting a claim to others he has no advantages, neither is he under any disabilities. By paragraph 27 of Circular, No. 2, dated 29th January 1861, on record of rights, it has been ruled that settlements with others than talookdars, are open to review at regular settlement, and the man who can prove the best title will then be admitted to engage. As claimant, therefore, of an equal interest, though not as claimant of a superior interest merely, a talookdar can come into court.

3. Thus, if a village which was within a talooka within the above term of limitation was recovered by the original proprietors prior to or during 1854-55, the talookdar's claim to be admitted to engage at this settlement, is barred, because his proprietary title cannot be so good as theirs, unless indeed, they voluntarily sold theirs to him.

4. But if the village having been in the talooka within the term of limitation, fell into the possession of some stranger prior to or during 1854-55, the party who can prove the best proprietary title will now be admitted. That may be the original proprietor or proprietary body, or if they have disappeared, it may be the talookdar. He can sue on equal terms with any one else.

5. But it will occasionally happen that a village which was in a talooka annexation, and for 12 years previous, was in 1858, inadvertently, and not by design, settled with some other than the talookdar. The question arises whether he can now be permitted to engage for it?

6. In such case the Chief Commissioner thinks we should equally be guided by the principle previously enunciated, that although a talookdar cannot recover a village on the bare ground that it was in his talooka, he cannot be prevented from regaining it, if he prove a better proprietary title than any one else. The intention being to restore the *status quo* at annexation, it was of course presumed at the time the re-occupation summary settlement was confined, that no villages of which the talookdars were in possession at annexation were omitted from the engagements that are referred to in the sunnuds, but instances to the contrary, though rare, do occur. Nevertheless, the Chief Commissioner thinks these omissions cannot and need not be invariably repaired now. He holds that we must maintain the principle that the right to engage for a village should not be recognised as distinct from the proprietary right in it, and that there can be but one rule for determining all claims to villages not settled with talookdars, the best proprietary title.

7. Thus, although a village may have been for 12 years up to annexation in a talooka, if the parties settled with in 1858-59 are the hereditary proprietors, the talookdar cannot recover, unless he can establish such a right of property in it as would give a valid title to any claimant.

8. But if the village was settled with some former contractor or stranger in 1858, the hereditary proprietors, if they have held proprietary rights within the 12 years' term of limitation, will be admitted to engage, otherwise the claim of the talookdar can be heard against the party admitted in 1858, but if neither can substantiate an unquestionable title, the village will be the property of Government. Nevertheless, if the original proprietors have maintained a certain position in the village, though not amounting to proprietary management under the talookdar, and they are competent to fulfil the duties of landholders, a recommendation should be submitted for settlement of the village with them.

MEMORANDUM by C. Currie, Esq., Settlement Commissioner, on the regular Settlement of the Land Revenue in Oude, showing the Principles on which Subordinate Rights in Land are recognised.

1. WITH a view to understand thoroughly the question of rights held in subordination to the talookdars, and to discuss the principles on which the recognition of such rights in Oude is based, it will be necessary to trace the origin and rise of talookas, and to examine into the extent of the powers exercised by the talookdars within the limits of their estates. We shall thus be able to ascertain the nature of the tenure both of the talookdar and of his dependants.

2. In the first place, I think it advisable to point out an error which has hitherto prevailed regarding the origin of talookas.* The late Mr. Thomason, in a Despatch addressed to the Government of India,† described a talooka as a large estate consisting of many villages, or as they would be called in England, parishes. He said that these villages had originally separate proprietors, who paid their revenue direct to the Government treasury, and that the Government in former times made over by patent to a person called a talookdar its right over these villages, holding him responsible for the whole revenue, and allowing him a certain per-centage, with other privileges, to compensate him for the risk and labour of collection.‡

3. The above definition leads to the supposition that a talookdar is a middle man unconnected with the soil, whose connection with his estate originated in his having been appointed by the Government to collect the revenues of such estate. It also asserts that every village in a talooka had its original separate proprietor. That this was the accepted idea of a talooka, is also to be gathered from the definition of talookdaree tenures given in the

* This error was detected and exposed by the author of the "Chronicles of Oonao," a pamphlet printed for private circulation.

† Thomason's Despatches, vol. i., p. 16.

‡ Thomason's Despatches, vol. i., p. 16.

the revenue text books of the North Western Provinces.* But this definition is totally inapplicable to the great majority of talookas in Oude, in which the talookdars are heads of houses, descended from the head of the clan which many generations ago occupied the soil by conquest. It is true that in a few cases the talookdar's estate originated in a grant of land by patent from the kings of Delhi, and that in some cases talookdars got villages into their estates by engaging with the Government officials for the Government revenue due on one or more entire pergunnahs. In these latter cases, the talookdars' own estates were situated in some one or other of these pergunnahs, and the talookdar enlarged his territory by assuming the rights of proprietor over villages which did not previously belong to him. Even Mr. Thomason, in the Despatch above quoted, admits that in the Moorsaan talooka, which he takes as a sample of all, there were found villages of which the talookda was sole proprietor. Now the Rajah of Moorsaan is the head of a Jat house.†

† See also Directions to Settlement Officers, para. 105.

4. Experience proves that the Rajpoot communities now found in occupation of clusters of villages in Oude, are "a collection of persons united by common descent from the progenitor of an original family."‡ The history of the Bais clan, given in the chronicles of Oonao, and illustrated by a genealogical table,§ shows how that clan came to be divided off in successive generations into houses, at the head of each of which is now found a talookdar. An examination of this and several similar tables, shows that at the time of the Rajpoot conquest, the guddee principle or the law of primogeniture was not universally accepted. Each one of the heirs was assigned some portion of the paternal estate, but it is probable that the eldest took a larger share than the younger ones; as to the present time it is usual among the Rajpoots for the eldest son to take two shares, or one and a-half share to the younger's one share.|| This subdivision of the common property appears to have continued through successive generations, the clan being divided into houses, and these again into families, and eventually into village communities, until it was found necessary, for the purpose of protecting the family property from the assaults of outsiders to re-unite under one or more heads of houses. When prudence advised a recourse to this step, it was usual for the families, as a rule, to seek the protection of the head of the house from which they more immediately sprung. But the personal characters of the heads of houses for the time being exerted considerable influence over the families when debating as to the house to which they would ally themselves.

‡ Maine's Ancient Law, p. 128.

§ Chronicles of Oonao, p. 70.

5. It must not be supposed, however, that the heads of houses were always content to wait until motives of prudence or necessity caused their weaker brethren to seek their protection. They were often too glad to take advantage of the dissensions which were apt to rise amongst the village proprietors, to aggrandize themselves at the expense of their blood relations, and many a village has been re-incorporated in the parent estate or annexed by the head of a neighbouring house by force of arms.

6. The talookas in which the talookdar represents the head of a house, and which may be termed true¶ talookas, will then at the present time be found to be composed of:—

¶ I borrow this term from the "Chronicles of Oonao."

I.—Ancestral villages inherited in a direct line from the common progenitor of the clan.

II.—Cadet villages,** which, having once been separated off from the parent estate, have in some way or another been re-incorporated in the talooka; and

** These are termed "Bhaewadee" villages.

III.—Gentile villages, the property of other castes or clans, which have been acquired at earlier or later periods of the history of the house.

7. The talookas in which the talookdar is not the head of a house, will comprise villages of the third class only, that is to say, that such talookas will originally have been formed by the acquisition of villages described in clause 3, though the present talookdar may have inherited them in the second or third generation. Such talookdars may be styled auction talookdars, to distinguish them from the true talookdars.††

†† Chronicles of Oonao, p. 154.

8. With regard to the first class of villages in true talookas, there can be no rights adverse to those of the talookdar, because the present talookdar has alone inherited the proprietary right by direct descent from the founder of the family, who acquired the right by conquest. Whatever rights or privileges may exist in such villages, must have been granted by the consent or favour of the talookdars themselves, and their maintenance will be more or less binding on the talookdar according to local custom and usage, and to the individual talookdar's appreciation of the force of a moral obligation. For instance, the head of the clan, on occupying the territory, may have assigned to his retainers, who would probably be fellow clansmen, certain portions of the land occupied. The retention of such lands by these retainers, was dependent on their rendering their lord suit and service, and were liable at any time to be resumed. The fact that in some instances the families of such retainers

* "Directions to Settlement Officers," Section 99. See also an article in the "Calcutta Review" of December 1849, quoted by the author of "Chronicles of Oonao," and headed "Settlement of N. W. P.," p. 422.

|| This custom is known by the term of "Jathwansee;" compare Stephen's "Commentaries," vol. i., p. 407. "This right of primogeniture in males seems anciently to have only obtained among the Jews, in whose constitution the eldest son had a double portion of the inheritance."

retainers have been permitted by the lord paramount of the house to remain in occupation of the lands originally assigned through many successive generations, is no proof that the lord had not the powers of resumption, and could not have exercised it had he felt inclined to do so. The occupancy of those retainers and their families having been by consent of, and not adverse to, their lords, cannot be held to have conferred on them a right prejudicial to the interests of their lord.*

9. Again, as the royal houses of Oudeypore, Jeypore, Jodhpore, and the other Rajpootana States, we learn from Colonel Todd's Annals, that the Crown lands were alienated for daring acts of gallantry in war, and that grants of territory were made to powerful adherents, but that such grants in no way superseded the supremacy of the Rajahs, and that the power of cancelling them was not lost; so also in the several Rajpoot houses of Oude, we find that similar grants were made by the successive talookdars to their retainers, and that the families of retainers slain in the service of their lord were pensioned by grants of land to be held either free of rent or at favourable rates.† Such grants were, however, always held to be resumable at the pleasure of the grantor or his successor, though in practice they were seldom resumed.

† These grants are known as "Mar-wat" grants.

10. At a later period, when as above described, prudence rendered it necessary for several families to re-unite under one head, the same motives inclined the houses to have recourse to the guddee principle, or the law of primogeniture, with a view to prevent a recurrence of weakness by the separation of the younger branches from the main stem of the house.‡ As soon as this principle was recognised, the cadets of the houses no longer, as theretofore, obtained an allotment of land separated from the estate, but became dependent on the head of the house for maintenance. The custom was then introduced of assigning the younger branches of the house certain villages for maintenance. These villages always remained an integral portion of the estate, though the members of the family to whom they were assigned had at times a life interest in them, and at times were allowed to retain them for several successive generations. In some instances a redistribution of the villages assigned for the maintenance of the several members of the family, was made on the succession of each talookdar. In all these instances again the supreme title of the talookdar, or head of the house, was never questioned, and the occupancy of such villages by the cadets of the house of their descendants, was never supposed to confer on them a right of property adverse to the right of the talookdar. I could quote numberless expressions of opinions similar to this, from the decisions of settlement officers. Those given at foot § will suffice to show the opinion formed by Mr. Yule, late Officiating Chief Commissioner, and Mr. King, settlement officer of Pertabghur.

11. The only class of inferior rights in ancestral villages remaining to be noticed are those which have been obtained from the talookdars in return for a valuable consideration or from religious motives. The experience gained in the settlement of the province leads to the conclusion that even these rights were not under native rule free from the liability of being resumed at the option of the grantor or his successors.

12. In the second and third class of villages, the former proprietors will be found in possession of rights more or less perfect according to the following circumstances:—

- 1st. The mode in which the village was incorporated or re-incorporated in the ilaka.
- 2d. The time that has elapsed since the village was incorporated in the ilaka.
- 3d. The power of the former proprietary body to withstand the encroachments of the talookdar; and in villages of the second class, or those in which the former proprietors were blood-relatives of the talookdars, the following considerations must not be lost sight of:—
- 4th. The nearness of the blood-relationship between the talookdar and the former proprietary body, and
- 5th. The necessities of the talookdar himself and his individual character.

13. Accepting for the sake of argument the proposition that "as soon as a talookdar got a village into his estate, he endeavoured to eject the village proprietors and to appropriate

* Compare Stephen's "Commentaries," vol. i., p. 178.

"Of the lands assigned to the sovereign of the tribe certain portions were afterwards usually distributed by him among his adherents, and chiefly among his courtiers or companions (comites), but the interest they derived under these grants was not strictly in the nature of property; it was of a beneficial or usufructuary kind only, a mere stipendiary return for services (commonly services of a military description) which they were expected to render to their master, and subject at some future period to resumption; the proprietas? or actual ownership of the land being considered as still residing in the sovereign himself."

† Compare Stephen's "Commentaries," vol. i., p. 407, where the introduction of the law of primogeniture in England is attributed to the inconvenience attending the splitting of estates.

§ "There can be no doubt," says Mr. Yule, "that land granted by talookdars under deeds similar to that filed in this case was resumable at pleasure," Secretary to Chief Commissioner, to Commissioner, Baiswarra, No. 2,585 dated 3d October 1862. Mr. King, in his decision on the case, wrote:—"These deeds were executed at a time when the will of the giver was generally paramount, and held good only as long as his pleasure lasted." These remarks applied to grants of land assigned for maintenance by a talookdar to his brother under a written deed. If, then, these grants were liable to resumption, much more will be grants unprotected by any writing at all.

priate the village to himself.”* I maintain that the measure of the success attained in this object prior to the introduction of British rule will naturally in some degree depend on the considerations above noted. It must be borne in mind that villages of both the second and third classes were often acquired by other means than force or fraud. It was not the blood-relations only who sought the protection of the talookdar. Many villages belonging to strangers were placed under the protection of one talookdar to prevent their falling into the clutches of another. In such cases a regular contract was often entered into, and the proprietary body, seeking the protection of the talookdar, were allowed to retain possession of lands “on special terms in lieu of proprietary claims on the village.”† Such land varied in extent in different cases; in some the entire village was retained as an under-tenure by the old proprietors, “who became responsible to the talookdar, and not to the Government, for the payment of the land revenue, but yet managed the village concerns according to established custom as a proprietary body;”‡ in others a specified portion, such as one-fourth or one-third the village, and in others a few acres of land only were left to the village proprietors.

* Thomason’s Despatches, vol. i., p. 18.

14. But when the village proprietors were strong enough to resist the talookdars’ attempts to annex their lands and were eventually subjugated by force of arms, the talookdars at once appropriated the entire proprietary rights in the village, though the former proprietors were often re-admitted on submission to the enjoyment of privileges varying in degree, for it was not the object of the talookdar to eject the village proprietors altogether so long as they submitted themselves to his rule. They had located cultivators in the village, and naturally exercised considerable influence over these cultivators, so much so that in most instances the cultivators left the village when the old proprietors, who had located them, were ejected, and thus the village was thrown out of cultivation.

15. It is unnecessary to enter into a detailed examination of the several considerations described in paragraph 12 as affecting the status of under-proprietors at annexation. It is sufficient to remark that the term “necessities of the talookdar,” is intended to refer to the strength or weakness of the talookdar, as that compared with that of the Government officials and neighbouring talookdars, and also with that of the village communities allied with him. If the talookdar was pressed by Government, or was with difficulty able to hold his own against neighbouring talookdars, he gave his dependants larger privileges, with a view to insure their fealty and allegiance. If, on the other hand, the talookdar was powerful, he had less need of the assistance of his dependants, and he, therefore, had less scruple in depriving them of the privileges they had previously enjoyed.

16. In auction talookas the talookdars, being generally backed by court or official influence, were less dependent on the succour of their villagers. But even these found it necessary to make concessions to the village proprietors, or they would have been unable to get the land cultivated, and if once they fell into arrears with their revenue, the village passed from them.

17. The foregoing description of the origin and constitution of talookas has been drawn from actual experience, and it shows that the only rights existing in a talooka which can be held to be adverse to the talookdar are those which the former proprietors were suffered to retain, or which were granted by the talookdar in consideration of a former proprietary right. These may be deemed to have been in a manner extorted from the talookdar, but all other rights or privileges now existent, having been granted by the talookdars themselves, cannot be maintained against their will contrary to local custom and usage, unless transferred for a valuable consideration. The Oude settlement instructions direct the recognition of all rights existing in 1854-55, based on a former proprietary right, and also of such rights as have been acquired in return for a valuable consideration.

18. In what, then, does the Oude policy differ from that hitherto pursued in other provinces? It differs in the two following particulars:—1st. In the spirit with which the law is administered as regards under-proprietary rights; and 2d. In not recognising a non-proprietary right of occupancy.

19. That the main difference between the Oude and North Western Province system, so far as under-proprietors are concerned, lies rather in the spirit with which the law regarding them is administered by the settlement courts than in the law itself, will be seen from the following facts, viz., that the under-proprietors of Oude are identical with the subordinate proprietors of the North Western Provinces, and that while in Oude the recognition of the rights of these under-proprietors is restricted to those existing in 1854-55, in the North Western Provinces the law sanctioned the recognition by the settlement officers of those subordinate rights only which were in existence when the settlement was made.

20. In support of my first assertion, that under-proprietors in Oude are identical with subordinate proprietors in North Western Provinces, I quote the following definition of the latter given by the late Mr. Thomason:—Subordinate proprietors possessed of an heritable and

† See Reports on the Revenue Settlement, North Western Provinces, vol. i., p. 33. In the Fyzabad district the portion of land retained by the village proprietors in lieu of proprietary claims is known by the term “Dehdaree.”

‡ See Reports on the Revenue Settlement, North Western Provinces, vol. i., p. 33.

and transferable tenure, writes Mr. Thomason, "generally hold a certain extent of land for a fixed sum, which is not liable to enhancement during the continuance of a settlement. The dependent talookdars in Bengal, mentioned in Section 51, Regulation VIII., and Section 7, Regulation XLIV., 1793, are of this class; so also are the village zemindars in talookdarees in Benares mentioned in Clause 2, Section 17, Regulation II., 1795, and the parties in the ceded and conquered provinces described in Section 12, Regulation XXX., 1803. In Clause 7, Section 15, Regulation VII. of 1799, and Clause 7, Section 32, Regulation XXXVIII., 1803, tenants of this class are designated as dependent talookdars or zemindars, or the holders of tenures, which, by the title deeds or established usage of the country, are transferable by sale or otherwise. It is evident that, unless the rights of this class of under-tenant be very carefully ascertained and protected, the peculiar features of their position will be lost sight of and they will become confounded with other classes. There is much reason to believe that this has been extensively the case in Bengal, and was in progress in the ceded and conquered provinces, till its further progress was arrested by the operation of Regulation VII., 1822." And again, "under the first term (*i. e.*, those having an hereditary and transferable right to hold their land at fixed rates) I would include all holders of resumed maafees and generally those who, by purchase, gift, or special compact, have obtained rights of this nature from the zemindars or biswadars, sunkullupdars, the holders of land at reduced rates or rent-free as security for loans, the holders of lands on special terms in lieu of proprietary claims on the estate."*

21. From the above definition it will be observed that the rights of subordinate proprietors were held to be based on the existence of an original proprietary title, or on the acquisition of such a title by purchase, gift, or special compact; the tenure was heritable and transferable, and the class held a certain amount of land for a fixed sum, which was not liable to enhancement for the period of a settlement. This definition tallies with that given of under-proprietors in Oude in paragraph 19 of this memorandum. It is only necessary to add that an under-proprietor has been declared to be possessed of as entire a right of property over his holding as a talookdar has over his estate, and that the rent to be paid by the under-proprietor is fixed for the term of settlement,† to show that thus far the two systems are identical.

22. My next assertion is "that while in Oude the recognition of the rights of these under-proprietors is restricted to those existing in 1854 and 1855, in the North Western Provinces the law sanctioned the recognition of those subordinate rights only which were in existence when the settlement was made." To prove this it will be sufficient to quote the law under which the settlement proceedings in the North Western Provinces were held: Section 9, Regulation VII., of 1822, contains the law regarding the recognition of the rights of these subordinate proprietors, and runs as follows:—"It shall be the duty of the Collectors and other officers exercising the powers of Collectors on the occasion of making or revising settlements of the land revenue to unite with the adjustment of the assessment, &c., the object of ascertaining and recording the fullest possible information in regard to landed tenures, the rights, interests, and privileges of the various classes of the agricultural community. For this purpose their proceedings shall embrace the formation of as accurate a record as possible of all local usages connected with landed tenures as full as practicable, a specification of all persons enjoying the possession and property of the soil or vested with any heritable or transferable interest in land or the rents of it, care being taken to distinguish the different modes of possession and property, and the real nature and extent of the interests held, more especially where several persons may hold interests in the same subject-matter of different kinds or degrees." And again, section 11 of the same Regulation sets forth:—"The Collector's proceedings in forming the registry above directed shall be founded on the basis of actual possession." Nothing can be clearer than the foregoing law; it directs the settlement officer to ascertain the real nature and extent of the interests held in actual possession, and to be especially careful where several persons may hold interests in the same subject-matter of different kinds or degrees. The Oude rules are to the effect that the rights of under-proprietors or parties holding an intermediate interest in the land between the talookdar and the ryot shall be maintained, as these rights existed in 1855,‡ and consequently, if anything, are more favourable to the under-proprietors than the North-Western Province law, inasmuch as they uphold the *status quo* of annexation, and restore any rights which may have subsequently been overborne, while the regulation law is based on actual possession at the time the proceedings are held.

23. It is true that, under Regulation VII., of 1822, any award made by a settlement officer was open to revision in a regular suit, and thus a person claiming under-proprietary rights, whose claim was disallowed by the settlement officer on the ground of want of actual possession, might have contested the settlement officer's decision in the civil courts. In such case the claimant would have had the benefit of the usual law of limitation of 12 years, and it may be urged that, as in Oude the settlement courts have also the powers of civil courts, the under-proprietors are placed at a disadvantage by not being admitted to the benefit of the 12-year limitation rule. Practically, I think the under-proprietor is not really injured. If, as suggested, an under-proprietor had filed a regular suit in the civil courts of the North Western Provinces to set aside an award of the settlement officer, the 12-year term

Thomason's Despatches, vol. i., p. 477.

(1.) Settlement Commissioner's Circular, No. 46, of 1863, para. 3.

† Settlement Circular, No. 2, of 1861, para. 1.

‡ Circular, No. 2, of 1861, para. 1.

term of limitation would have reckoned back from the date of institution of his suit in the civil court, and not from any anterior date. Thus the suit being filed in, say, the present year, 1271 Fuslee, the claimant would have to prove possession of the rights claimed during 1259 Fuslee, or some later year. Now, by the Oude rule, possession in 1262 and 1263 Fuslee is made the test, but if the claimant proves regular possession to that year, the mere accidental absence of possession in 1262 and 1263 Fuslee is not allowed to bar the recognition of his right, the object being to maintain all rights which *bonâ fide* existed at annexation, but not to revive rights actually lost. The question then is, which is the most favourable rule to the under-proprietor, 12 years from the date of institution of suit, or the *status quo* of annexation? The above remarks are intended simply to institute a comparison between the North Western Provinces law and the present Oude law, and are not addressed to the point as to whether the under-proprietors should have the benefit of the 12-year rule of limitation reckoned back from the last summary settlement, which is accorded to claimants of proprietary rights in non-talookdaree villages, though on this point I venture to remark that the present Oude rules were framed to support a policy deliberately adopted by the Supreme Government, viz., to maintain the ancient talookdaree system of Oude, and with this view to place as few restrictions as possible on the talookdar's power of control over his estate.

24. It is evident, then, that any difference that may exist between the practice followed in Oude and the North-Western Provinces in regard to the recognition of under-proprietary rights is attributable to the spirit in which the law is administered and not to any material difference in the law itself. This difference is attributable to the fact that in Oude the Government has undertaken to maintain the ancient talookdaree system, and has secured to the talookdar or superior holder the right of engaging for the payment of the Government revenue, while in the North-Western Provinces it was determined to admit the bi-wadars or inferior holders to engagements and give the talookdar an allowance out of the Government treasury. The Oude policy is in strict conformity with that laid down in paragraph 115 of Directions to Settlement Officers, where it is ruled that "when the two classes (superior and inferior) are of the same family or tribe (as they generally are in Oude), and mutually willing to maintain their connection, the former arrangement (*i. e.*, settling with the superior) is very much the best."

25. Such, then, being the real difference between the policy pursued in the North Western Province and that followed in Oude, it is necessary in Oude that sub-settlements with under-proprietors should be conceded only when such under-proprietors are found to have retained the entire village as an under-tenure, instead of being indiscriminately encouraged as they were in the North Western Provinces, for the Government, having determined on maintaining the ancient talookdaree system of Oude, and having guaranteed to the talookdars the right of engaging for their estates, would be stultifying its own policy, not to mention committing a breach of faith, were it to admit that the possession of under-proprietary right of any sort or kind, however small, in a village entitled the holder of such right to a sub-settlement, and thus practically transferred the proprietary possession from the superior to the inferior holder. In the North Western Provinces, on the contrary, talookdars were altogether proscribed; they were looked upon as noxious excrescences which should be swept away, and, consequently, the settlement officers were warned that "it must be remembered that the inferior rights have been in abeyance, not lost,"* that is, that the actual possession prescribed by law was to be overlooked, and "traces of the right" which might probably be evident "in gardens they (the subordinate proprietors) had formed, wells they had dug, or public works they had constructed,† were to be searched out, and the representatives of persons who in times past might have enjoyed such rights were, when found, put forward to engage with Government for the entire village, thus depriving the talookdar of all control over it.

* Para. 108, Directions to Settlement Officers.

† Para. 109, Directions to Settlement Officers.

26. I now proceed to discuss the second point, in which I have stated that the Oude policy differs from that of the North Western Provinces, viz., the non-recognition of cultivating rights of occupancy. In dealing with this question I shall endeavour to show, firstly, that the class of cultivators possessed of an hereditary right of occupancy, now known as mouroosee cultivators, did not exist in the North Western Provinces till created by the settlement officers, and does not exist in Oude; secondly, that the cultivators supposed to have been possessed of a right of occupancy, in consequence of their having been permitted to occupy the same lands for a course of years at fixed or equitable rates, were permitted to retain whatever privileges they enjoyed in return for services rendered, and that, when those services were no longer required, the claim to the privileges ceased; and thirdly, that it is advisable that the class should not be created in Oude.

27. In the first place, I think it as well that the class of cultivators under discussion should be clearly defined. I therefore proceed to quote the definitions given by the North Western Province authorities.

"Non-proprietary cultivators are generally either the descendants of former dispossessed proprietors, or they have been located on the estate by the present proprietors or their predecessors."‡ With reference to the above definition, I would remark that the descendants of former dispossessed proprietors would fall rather under the category of under-proprietors than of non-proprietary cultivators. The broad distinction between rights based on a former proprietary right and those based on occupancy only appears to me the safest line to draw between under-proprietors and non-proprietary cultivators. I prefer, therefore, the following

‡ Directions to Settlement Officers, para. 126.

definition, also taken from Mr. Thomason's writing :—"Mouroosee cultivators possessing a tenure heritable, but not transferable;" cultivators of this class, "commonly called Mouroosee Chupperbund, khood kasht, &c., are those who in the words of Clause 7, Section 15, Regulation XXVIII. of 1803, have a right of occupancy only so long as a certain rent, or a rent determinable on certain principles according to local rates or usages, be paid."*

* Thomason's Despatches, vol. i., p. 478.

28. It must be borne in mind that the regulations above quoted, on which the rights of this class of tenantry rested until Act X, of 1859 became law, were simply re-enactments of older regulations, the provisions of which were adopted to meet a state of things known or believed to exist in Bengal Proper, and it was inferred that a similar state of things would be found to exist in the Upper Provinces. It should also be noted that the right of occupancy is merely implied in the regulations quoted in the preceding paragraph, for it is added that "this regulation is not meant to define or limit the actual rights of any description of landholder or tenant."

29. Whatever may have been the case in Bengal Proper, I assert that non-proprietary tenants possessed of the right of occupancy above described did not exist in the North Western Provinces at the time that those Provinces were ceded to or conquered by the British Government, and that they do not exist in Oude. In proof of this assertion I propose to quote the opinion of the district authorities of the time, and to show that, if such rights had existed, they would have been capable of easy recognition.

30. The opinion of the district authorities of the time is to be found in "Elphinstone's History of India," page 249, from which I quote: "In Hindostan there appears to be a feeling that they (khood kasht ryots) are entitled to hereditary occupancy, and that their rents ought not to be raised above those usual in the neighbourhood; but the following summary will show how imperfect this right is thought to be:—In 1818 a call was made by the Bengal Government on the Collectors of all its Provinces not under the permanent settlement for information respecting the rights of permanent ryots. Of 14 Collectors, 11 considered the landholder to be entitled to raise his rent at pleasure, and to oust his tenant whenever he could get better terms elsewhere; two Collectors (those of Etawah and Saharunpore) seem to have thought that the landlord's rent should not be raised unless there was an increase in the demand of Government; the Collector of Buldelcund alone declared the khood kasht ryot's rights to be as good as his of whom he holds. The members of the Revenue Commission in forwarding these reports gave their opinion that landholders conceive themselves to possess the power of ousting their tenants, although from the demand for ryots it is not frequently exercised. The Government at that time doubted the correctness of these opinions, and called for further information, which, although it threw much light on the question, did not materially alter the above conclusion. Mr. Ross, a judge of the Chief Court, likewise, in a very judicious Minute of 22d March 1827, states that a fixed rate never was claimed by mere ryots, whether resident or non-resident in the Upper Provinces, inquires when such a fixed rent was in force, and whether it was intended to remain fixed, however the value of land might alter, and concludes as follows:—"As to the custom of the country, it has always been opposed to such privilege, it being notorious that the zemindars and other superior landholders have at all times been in the practice of extorting from their ryots as much as the latter can afford to pay."

31. The above quotation clearly shows that, in the opinion of the authorities who had the best opportunity of ascertaining what were the customs of the country at the time the Upper Provinces came under British rule, hereditary cultivators at fixed rents were unknown. At any rate, if such a class existed, their rights and privileges were so hazy and undefined that they were not easy of recognition. I maintain, however, that if such a class really existed, and their rights of occupancy were acknowledged by local custom and usage, the conditions of their tenure would have been well known and easily capable of recognition. If further evidence that this was not the case in the North Western Provinces is required, I refer to the following passages from Mr. Thomason's writings:—"It is impossible to lay down any fixed rule defining what classes of cultivators are to be considered entitled to hold at fixed rates. Prescription is the best rule to follow.† The period which constitutes such prescriptive rights has been nowhere settled."‡ It appears to me that there can be but one conclusion from the foregoing premises, viz., that at the time of the introduction of British rule, there was not known in the Upper Provinces a class of non-proprietary cultivators possessed of an hereditary right of occupancy at fixed rates.

The district officers in Oude are unanimously of opinion that such a class does not exist in this province.§

32. I shall now endeavour to show that the cultivators supposed to have been possessed of a right of occupancy, in consequence of their having been permitted to occupy the same lands for a course of years, at fixed or equitable rates, were permitted to retain whatever privileges they enjoyed in return for services rendered; and that, when those services were

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† Directions to Settlement Officers, para. 130.

‡ Reports on the Revenue Settlements, North Western Provinces, vol. i., p. 34.

§ That this class of cultivators did not exist in the Punjab when we took the country, may be seen from the passages in the several Settlement Reports quoted below:—

Hoshiarpore	-	-	-	paragraph 190	Umballah, South	-	paragraph 311
Gogaira	-	-	-	" - 49	Goojranwalla	-	" - 83
Guzerat	-	-	-	" - 194	Ferozepore	-	paragraphs 225, 26
Umballah	-	-	-	" - 363			

no longer required, the claim to the privileges ceased. The author of a pamphlet on the "Relations of Landlord and Tenant in India,"^{*} remarks that the second stage in the progress of society is, "to divide the property in land between the cultivating rate-payer and the protecting rent receiver. As long as society remains in a lawless and insecure state, this divided property in the land works well, because it is the natural expression of the best understood interests of both. This is the feudal state of landed tenures. The lord affords protection to his vassals, who in return pay him suit and service as well as rent, and form his only defence against his enemies. The vassals pay such surplus of their produce as is necessary for the maintenance of the lord, and of his more immediate retainers, because such payment is the very condition of the lord's continued power to protect them, and the lord grants his vassals permanent rights in their holdings, and does not stretch his demand to their utmost ability to pay, because the attachment and willing support of his vassals against his enemies is more important to him than a mere increased receipt of produce in kind."* The above appears to be a fair description of the relations existing between landlord and tenant under an unsettled Government, and I propose to apply it to my argument.

* Relations of Landlord and Tenant in India, p. 26.

33. It will be observed, that the main conditions of the relations above described are protection on the part of the lord, and suit and service on that of the tenantry; but it is necessary to examine into the nature of the tenantry who rendered suit and service in return for protection. Both in the North-Western Provinces and Oude, there are two ranks of tenantry or cultivators, viz., ashraf (respectable), and arzal (or low caste), which have been very aptly described by Mr. Thomason in his report on the settlement of the Azimghur district. I therefore adopt his words. "The ashraf are generally Brahmins and Rajpoots, who are connected with the zemindars by ties of religion, family connection, or friendship, and hence are somewhat favoured. On the other hand, the arzal consists of Bhars, Chumars, and low-caste persons, who are generally located on the estate at some expense of capital, and are liable at any time to be left entirely dependent on the zemindars, who must either support them during a season of scarcity, or see their estates depopulated and their future sources of profit destroyed. The tenants-at-will consist mostly of those who are styled arzal; they neither have nor assert in general any rights other than the will of the zemindar; they take what land he gives them, and pay the utmost that they can in money or in kind."† Now, the ashraf, or respectable cultivators, may be divided into two classes, viz., those descended from former proprietors of the soil, and those who have never had any proprietary interest in the soil. I have, at the commencement of this memorandum, described how the present proprietary classes have expanded themselves from a single original head, the clan having been divided into houses, houses into families, and these again into village communities. As the proprietary body increased in numbers, and appropriated to their own use the lands conquered by the clan, they displaced the clansmen retainers, who, as described in paragraph 8 of this memorandum, may have been assigned lands in lieu of service by the head of the clan. In later years, when the village communities began again to be incorporated into talookas, the village proprietors were the men who rendered the talookdar suit and service in lieu of protection. I have already described how the talookdars endeavoured to overbear the rights of the village proprietors, whose villages became incorporated in any way in their estates, and how they in some cases succeeded in reducing these proprietors to the level of simple retainers, while in others the village proprietors have succeeded in preserving some portion of their former rights. These, however, are the ashraf, cultivators who are descended from former proprietors, and are, in many instances, connected with the landlord by ties of family connection.

† Reports on the Revenue Settlement, North Western Provinces, vol. i., p. 33.

34. The talookdars, however, could not be dependant solely on the aid of the former proprietors of the village included in their estates. It was necessary for them to keep up a certain retinue of retainers, men willing, under all circumstances, to obey the behests of their lords. The men employed as retainers were always drawn from the fighting classes, Brahmins or Rajpoots, and their remuneration took the shape of a low rent; but neither these Rajpoots or Brahmins would actually till the soil; they were scarcely cultivators, but rather a class of middlemen, intercepting a portion of the rents, which would otherwise have been paid to their lords by the low-caste tillers of the soil. These last, as Mr. Thomason states, had no pretension to a right of occupancy, or to a right of any kind at all; consequently, the tenantry, supposed to have been possessed of a right of occupancy, must have been the Brahmin and Rajpoot tenantry; and these were, as has been shown, either under-proprietors or retainers, having a claim to consideration solely by virtue of their respectability and the services performed. When their services were no longer required, their claims to consideration on that score ceased, but it was only when the British Government was introduced that their services could be dispensed with, and, consequently, up to the date of the cession, they had been permitted to occupy the lands assigned them at low rates in payment of service.

35. It now remains only for me to show cause why I think it advisable that non-proprietary rights of occupancy should not be created in Oude, as they were in the North-Western Provinces. I presume it will be admitted, that all restrictions on the free exercise of a right of property are an evil, and that such restrictions should be imposed only in cases of actual necessity. The imposition of such restrictions at a time when India shows signs of awakening like a giant from its sleep, and of throwing off that lethargy in which it has been wrapt for ages, would materially obstruct the course of natural laws, and hinder the advancement of that progress which has already set in. The Government having com-

mitted itself to the preservation of the ancient talookdaree system of Oude, would, by creating non-proprietary rights of occupancy, hamper the working of the natural laws of supply and demand, and, by holding out an extra inducement to the cultivating classes to cling to the land which their forefathers occupied, would keep back labour from entering the most advantageous market. Is there any urgent necessity for such a step? I venture to express my opinion that the recognition and maintenance of the under-proprietary rights as they existed at annexation is an ample protection of the subordinate holders. Mr. Thomason himself remarks, that "the importance of the question (providing protection for all classes of cultivators) is much diminished when the proprietary have been carefully separated from the non-proprietary cultivators, and the former confirmed in all privileges to which they are justly entitled."* I have endeavoured to prove that every care is taken in Oude to confirm the under-proprietors in all privileges † to which they are justly entitled, and I have shown (paragraph 27) that in Oude the term "under-proprietor" is held to include all persons claiming any right or privilege by virtue of a former proprietary interest in the soil. I maintain, then, that there is no necessity for the creation of a non-proprietary right of occupancy, or at any rate no such urgent necessity as would warrant the imposition of unnatural restrictions on the free exercise of rights of property in times like the present.

* Directions to Settlement Officers, para. 124.

36. I would next point out the inconsistency of admitting a right to enhance rents, and at the same time placing such restrictions on their enhancement as practically to convey a right to hold at fixed rents. That the right to enhance the rents of cultivators possessed of a right of occupancy was contemplated by the old regulations, may be seen from the following quotations from Mr. Thomason's writings. Mr. Thomason remarks:—"This right is not transferable, and it terminates in such lands as the tenant may from any cause cease to cultivate. There is no provision of the law which declares these rates unalterable. All the clauses of the regulations in which they are mentioned (*vide* paragraph 131 of Directions of Settlement) describe them as altering with the circumstances of the pergunnahs. Rents in India, as everywhere else, are liable to variation, according to the general economical principles which govern the relations between landlord and tenant. The only legal proviso is, that in no particular instance should a rate be demanded in excess of that which is usual or established. The desideratum is an equitable mode of assessment.‡ Again, "supposing the rights of the first class of under-tenants to be adequately provided for, would it be just and politic to declare any non-proprietary tenants entitled to cultivate the lands they occupy at rates fixed in perpetuity? The Lieutenant Governor is strongly of opinion that such a measure would be unjust and impolitic. It would be unjust, because it would give to persons who are not full proprietors of the land, a privilege they have never hitherto possessed. It would be impolitic, because it would lessen the beneficial interest in the soil possessed by the full proprietors, and would vest the power in an occupant who could not turn it to the best account, from his inability to transfer it."§ And in another Despatch Mr. Thomason writes:—"The Lieutenant Governor cannot doubt that a proprietor has the right, under certain circumstances, to raise the rent both of hereditary privileged cultivators, and of tenants-at-will, the former only according to the established usage and the pergunnah rates, the latter according to his will and pleasure"|| Again, "he (the mouroossee ryot) continues responsible to the malgoozar for the rent of his land, and so long as he pays it the malgoozar cannot interfere with him. If he sub-lets to a great advantage, presumption exists that the rent he pays is below the pergunnah usage, and the malgoozar may sue for re-adjustment and increase of rent, but he cannot summarily set aside the mouroossee ryot and collect direct from the under-tenant; that would virtually be to oust the mouroossee ryot, contrary to the conditions of his tenure, which are continued cultivation and punctual payment of the equitable rent."¶ The above-quoted opinions are undoubtedly in accordance with the law, the wording of which is that this class of cultivators "have a right of occupancy only so long as a certain rent, or a rent determinable on certain principles according to local rates and usages, be paid (Clause 7, Section 32, Regulation XXVIII. of 1803). By Section 9, Regulation VII. of 1822, it is provided that "a record shall likewise be framed of the rate per beegah of each description of land or kind of produce demandable from the resident cultivators not claiming any transferable property in the soil, whether possessing the right of hereditary occupancy or not." The information thus collected is to be "so arranged and recorded as to admit of an immediate reference hereafter by the courts of judicature, it being understood and declared that all decisions on the demands of the zemindars shall hereafter be regulated by the rates of rent and modes of payment avowed and ascertained at the settlement, and recorded in the collector's proceedings

† Thomason's Despatches, vol. i., p. 478.

§ Thomason's Despatches, vol. i., para. 480.

|| Thomason's Despatches, vol. i., p. 131.

¶ Thomason's Despatches, vol. i., p. 216.

‡ I further quote paragraph 7 of Settlement Commissioner's Circular, No. 46, of 1863 :—
"With a view then to prove that every effort has been made to discover those who possess under-proprietary rights, and to show that Settlement Officers have done their best to carry out the orders of Government as quoted in the Record of Rights Circular, 'to maintain the under-proprietary rights as they existed in 1855,' the Chief Commissioner desires that the phrase 'all under-proprietary rights must be claimed in order to be recorded' may not be understood in a restricted sense. It must not be supposed that rights cannot be inquired into unless formally claimed. The Settlement Officer must use every endeavour to ascertain if they exist when not claimed. Ordinarily knowledge of their existence will be first derived from the claim being put forward, but it may happen that Settlement Officers have in the course of judicial or revenue proceedings, or in other ways, become aware of the existence of such rights in a village, though no one may choose to claim them, and in that case they must do their best to search them out and record them."

ceedings until distinctly altered by mutual agreement, or after full investigation in a regular suit." The Agra court has ruled that the cognizance of claims to levy an enhanced rent does not terminate with the inquiry made at the settlement, but is at all times vested in a court of law.* This ruling is based on Section 9, Regulation XXX. of 1803, and on the Section of Regulation VII. of 1822 above quoted.

* Case No. 34, of 1850, dated 26 May 1851.

The spirit of the decisions of the Agra court appears to be that non-proprietary cultivators possessed of a right of occupancy are liable to pay enhanced rents only after the issue of due notice under the provisions of Regulation V. of 1812, and on the condition that the enhanced rate demanded does not exceed the pergunnah rate or prevailing rate for similar lands in the neighbourhood. It is clear, therefore, that the law does not attach to the right of occupancy a right to hold at a fixed rent, but the restrictions on the enhancement of rents are so great that practically they cannot be enhanced. A landlord must first of all prove his right to claim an enhancement;† he must give notice under Regulation V. of 1812 of his intention to enhance the rent;‡ he must make a separate suit for each cultivator,§ and when he has once enhanced the rent, he must not do so a second time. || Again, if it is necessary to declare that occupancy for 12 years under a pottah or not¶ confers a right of occupancy, is it not inconsistent to provide at the same time that a right of occupancy shall not be acquired if an express stipulation to this effect be included in the pottah or lease bond,** thus making the acquisition of the right dependent on the ignorance of law or negligence on the part of the landlord?

37. It is maintained by some that, while a right of occupancy at fixed rents is an unmitigated evil, a right of occupancy at market rates is nothing more than a proper protection of the ryot from the caprice and malice of the landlord. To this I reply that a right of occupancy unaccompanied by a right to hold at fixed rents is a right of practically no value, and that there is no necessity for placing any restrictions whatever on the landlord's power to enhance rents. Surely a right of occupancy unaccompanied by a right to hold at a fixed rate is a shadow without substance, and if there be any truth in the objections of some settlement officers in Oude that the simple record of occupancy now prescribed with a view to test the accuracy of the field maps and the existing rent-roll gives rise to hopes in the minds of the tenantry that they acquire some kind of undefined right from the entry of their names in these records, the objection would apply with double force to a record which avowedly assumed to record rights when the owners of the rights so recorded found in practice that their so-called rights carried with them no privileges.

38. It may be replied that tenants possessed of a right of occupancy at market rates are secured from rack-renting.†† But why should the courts be called on to declare what the market rates of rent are, while they are strictly prohibited from interfering in the market rates of grain? Is not the market or equitable rate of rent whatever any cultivator will *bonâ fide* give for the land, and is it not more probable that the recording a right of occupancy unaccompanied by a right to hold at fixed rates will lead to greater heart-burnings and litigation than the absence of such a record? for a cultivator whose right of occupancy is recorded will naturally suppose that the right, which has been admitted after a lengthy investigation, carries with it some privilege, and when called on to pay the market or equitable rent will at once have recourse to the courts on the supposition that he is entitled to hold at a favourable rent. When a right carries with it no privileges it appears to me to be sounder policy to ignore the right *in toto*, rather than to make a parade of investigating and recording its existence.

39. Further, it is a mistake to suppose that landlords as a rule raise rents solely out of caprice or malice. Experience proves that landlords understand their own interests far better than to harass good cultivators, and they should be at liberty to rid themselves of bad ones without let or hindrance. If a landlord raises his rents beyond the market rates of the day, his cultivators will leave him and take their labour to the best market, to the great benefit of the country generally, as there can be no doubt that waste lands would then be reclaimed far more rapidly than they are at present. Cultivators would learn the true value of their labour, and the landlords would receive a lesson which would teach them to put a limit on their exactions in future. I cannot but express my opinion that the system of attempting to protect the cultivators from the exactions of their landlords by artificial restrictions is in reality sowing the seed of a mass of poverty and misery in future years, which the advocates of the system fail to foresee, and the only remedy for which would, in any country but India, lie in a general revolution. Instead of helping the labouring classes to learn by experience the true value of their labour, and thus teaching them how to assert their

† Sardhan Pande and Others *versus* Narain Rai, Case No. 87, of 1854, 29 July 1854; also Hajee Mahomed Imam Buksh *versus* Deendyal Juttee Gosain, Case No. 113, of 1855, 6 August 1855.

† Nourang Sing *versus* Bachanram Oopadiya and Others, Case No. 128 of 1848, dated 30 August 1848.

§ Ramsarain Mull *versus* Imdad Alee, Case No. 55 of 1844, dated 26 December 1844.

|| Casseenath and Others *versus* Fakeera Khan, Case No. 205 of 1847, 21 February 1848.

¶ Section 6, Act X. of 1859.

** Section 7, Act X. of 1859.

†† I consider "market rates" and "equitable rates" synonymous terms, and would observe that the law nowhere contemplates the right to hold at "favourable" rates. The wording of the law is that this class of cultivators "have a right of occupancy only so long as a certain rent or a rent determinable on certain principles according to local rates and usages be paid;" and Mr. Thomason in the passage quoted above says that the condition of the tenure is "the punctual payment of the equitable rent."

their independence, the system holds out inducements to the cultivators to cling to the land which their forefathers have occupied, and as their numbers increase and their holdings diminish in size, their poverty will also increase, until at last, had they but an ordinary amount of spirit, they would be driven to despair and agrarian riots would ensue, which would only be suppressed by bloodshed.

40. An additional reason for not creating a class of non-proprietary cultivators possessed of a right of occupancy is the difficulty of defining the conditions by which the class is to be recognised. The definition of the class given in paragraph 130 of Directions to Settlement Officers is "those who have for a course of years occupied the same field at the same or at equitable rates are held to possess the right of continued occupancy, whilst those whose tenure is not similarly sanctioned are considered tenants-at-will." With reference to this definition, leaving out of the question the difficulty of determining whether a cultivator has occupied the same field in the absence of any field survey by which certain fields might be capable of recognition, and also with reference to the uncertainty of tenures under native rule, I ask whether an adherence to the above definition of prescriptive right (supposing always that the right carries with it some privilege) would not tell most against a good landlord and least against a bad one. A good landlord who had acted honestly and straightforwardly towards his tenants, never oppressing or vexatiously harrassing them, might have allowed the said tenants to occupy for a course of years the same fields at the same or equitable rates, and his recompense at the hands of the British Government would be the recognition in his tenantry of a right of occupancy prejudicial to his interests; whereas a bad landlord, who had constantly driven his tenantry to throw up their holdings by his exactions, would find himself rewarded by the non-recognition of any subordinate rights in his tenantry.

41. Again, it would be necessary to give a more precise definition of the term "prescription" than that above quoted. Some term of limitation would probably be substituted for the indefinite expression "a course of years." In prescribing such term it would be necessary to declare distinctly from what date the term is to reckon. In the draft bill for the limitation of suits there was a provision to the effect that "nothing herein contained shall give to the occupier of any land a title by prescription to the perpetual occupancy of such land by reason only of the fact that he has been allowed to occupy such land for upwards of 12 years without a lease and paying the same rent" ("Calcutta Gazette," 5th August 1855). Although this provision was omitted in the law which was passed as Act XIV. of 1859, yet it shows that the originator of that Act was of opinion that occupancy without a lease conferred no right of prescriptive occupancy. Then occupancy to confer such a right must have been with a lease. The Agra Sudder Court, however, have lately ruled that a lease for an indefinite time, but containing nothing declarative of its conveying a heritable or perpetual title, can only be regarded as limited to the lives of the lessees.* The ruling applied to lessees only on the ground that, "though the law and usage have recognised the heritable tenure of cultivators, the court was not aware that the same title by prescription had been accorded to lessees or middlemen." But what I ask, is a cultivator occupying land under a pottah or lease bond but a lessee? The amount of land held under the bond, or the simple fact of the occupier cultivating the land himself instead of letting it out for cultivation to others, cannot make any radical difference in the nature of the tenure. If, then, occupancy without a lease or under a lease bond for an indefinite period confers no right of occupancy by prescription, it follows that, if any occupancy is to confer such a right, the occupier must have held under a succession of lease bonds renewed from time to time! It is quite unnecessary to expose the absurdity of such a position as this.

42. Such, then, being the difficulties in the way of defining the conditions by which non-proprietary rights of occupancy are to be recognised, and it being shown that there is no necessity for their recognition, I am of opinion that, on general grounds and setting aside the question of the extent to which the Government is pledged in the matter by the promises made to the talookdars at the summary settlement, the policy at present pursued in Oude is a sound one.

* Selected Decisions
for May 1863. page
465.

APPENDIX I.

(A.)—TABULAR STATEMENT showing result of the *Oude* Demarcation Operations from 1 May 1863 to 30 April 1864, with the Cost per Square Mile.

NAME of DISTRICT.	NAME of OFFICERS.	Number of Mouzas set up and Surveyed for each of which Thakbusts are ready.	Total Area Demarcated and Surveyed in Square Miles.	AMOUNT OF ESTABLISHMENT.						Average Rate per Square Mile.	REMARKS.
				Salary of Supervising Officers.	Salaries of Establishment.	Total Salaries.	Travelling Allowance.	Miscellaneous Contingencies, including Instruments.	Total Contingencies.	GRAND TOTAL.	
Fyzabad, Sultan- pore.	Rae Guneshee Lall, Extra Assistant Commissioner	-	-	Rs. a. p. 1,125 - -	Rs. a. p. 2,911 11 3	Rs. a. p. 4,036 11 3	Rs. a. p. 430 5 6	Rs. a. p. 314 7 6	Rs. s. p. 744 13 -	Rs. a. p. 4,781 8 3	Rs. a. p. - - -
Seetapore	Mr. Kavanagh, Assistant Superintendent, Settle- ment and Survey, and Mahomed Usguree, Officiating Extra Assis- tant Commissioner	-	-	-	-	-	-	-	-	-	From 15th September 1863 to 15th December 1863, Rae Guneshee Lall was employed in going over these two districts to see that the boundaries were in proper order.
Lukheempore	Mr. Kavanagh, Assistant Superintendent, Settle- ment and Survey - -	1,244	2,047	10,445 2 7	15,233 3 4	25,678 5 11	2,265 8 11	2,373 9 8	4,639 2 7	30,317 8 6	Rs. a. p. 9 5 5
Hurli	Rae Guneshee Lall, Extra Assistant Commissioner	1,067	1,200	-	-	-	-	-	-	-	From 1st October 1863 to 31st De- cember 1863, Mr. Kavanagh was similarly employed in Duriabad, Seetapore, and Hurdui districts, and in settling boundary disputes in Seetapore district; Syud-Ma- hommed Usguree was employed in settling disputes in the same dis- tricts from 1st to 30th April 1864.
											In the tehseils demarcated in these districts, there are 3,625 villages separately assessed, which num- ber has been reduced to 2,311 by demarcating in one circuit two or more villages belonging to the same proprietor.
											A. Rs. 4,781. 8. 3. charges for pre- paration for professional survey in districts where no demarcation was going on, leaving as cost of demarcation Rs. 30,217. 8. 6. on which the average is calculated.
	TOTAL - - - Rs.	2,311	3,247	11,570 2 7	18,144 14 7	29,715 1 2	2,695 14 5	2,688 1 2	5,383 15 7	35,099 - 9	Rs. a. p. 9 5 5

(signed) John Kavanagh,
Assistant Superintendent, Settlement and Survey.

Shajehanpore, 6 June 1864.

APPENDIX II.

(B.)—STATEMENT showing the Number of Disputes, and the Number of Hudbust Misls prepared for each Tehsil in Season 1863-64.

NAME OF DISTRICT.	NAME OF TEHSIL.	NUMBER OF BOUNDARY DISPUTES						Number of Hudbust Misls.	REMARKS.
		Remaining Unsettled on 1 May 1863.	Instituted from 1 May 1863 to 30 April 1864.	TOTAL.	Decided by Demarca- tion Officer.	Settled by Com- promise.	Remaining to be Settled on 30 April 1864.		
SEETAPORE	Baree - - -	180	13	193	39	153	1	- -	These five tehsils were surveyed last season, but the boundary disputes remained unadjusted.
	Biswan - - -	280	- -	280	- -	142	138	- -	
	Seetapore - - -	275	- -	275	11	144	120	- -	
	Misrikh - - -	220	163	383	69	293	21	- -	
HURDUI	Hurdui - - -	180	54	234	105	129	- -	- -	These four tehsils and pergunnah Khyreeghur of tehsil Lukheempore have been surveyed this season.
	Bilgram - - -	- -	225	225	24	86	115	458	
	Shahabad - - -	- -	55	55	- -	- -	55	579	
MAHOMDEE	Alleegunje - - -	- -	81	81	11	5	65	584	
	Mahomdee - - -	- -	170	170	- -	1	169	569	
	Lukheempore (part) - - -	- -	2	2	- -	- -	2	91	
TOTAL - - -		1,135	763	1,898	259*	953	686	2,311	

* By Mr. Kavanagh	- - - - -	103
By Mahomed Usghuree	- - - - -	27
By Rae Guneshee Lall	- - - - -	129
		259

Shajehanpore, 6 June 1864.

(signed) John Kavanagh,
Assistant Superintendent, Settlement and Survey.

APPENDIX III.

(C.)—ABSTRACT showing the Number of Appeals disposed of in Season 1863-64.

AGAINST WHOSE ORDER.	Number of Appeals		Number of Cases in which Orders were Reversed or Modified.	Number of Cases in which Orders were upheld.	Number of Appeals pending on 30 April 1864.	REMARKS.
	Pending on 1 May 1863.	Instituted during 1863-64.				
Mr. Bradford, Superintendent, Settlement and Survey.	2	- -	1	1	- -	Decided by Commissioner, Fyzabad Division.
Mr. Kavanagh, Assistant, Settlement and Survey.	5	34	4	35	-	
Rae Guneshee Lall, Extra Assistant Commissioner.	- -	17	1	15	1	
TOTAL - - -	7	51	6	51	1	

Shajehanpore, 6 June 1864.

(signed) J. Kavanagh,
Assistant Superintendent, Settlement and Survey.

APPENDIX IV.

No 1.—RETURN showing the Extent of Land Surveyed during the Year 1863-64, the Cost of Survey, and the Average Rate per 1,000 acres in the Settlement Operations in the several Districts of Oude.

NAME OF DISTRICT.	NUMBER OF ACRES SURVEYED				COST OF SURVEY				COST OF ESTABLISHMENT							
	Number of Mouzahs Surveyed up to 30 April 1863.	Number of Mouzahs under Survey in 1863-64.		TOTAL.	Up to 30 April 1862.	In Year 1862-63.	In Year 1863-64.	TOTAL.	Up to 30 April 1862.	In Year 1862-63.	In Year 1863-64.	TOTAL.				
		Completely Surveyed.	Partially Surveyed.													
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.
Lucknow	1,415	1,133	282	-	83,422	6,23,078	1,97,810	9,04,310	Rs. a. p. 4,341 10 -	Rs. a. p. 36,968 15 2	Rs. a. p. 6,620 9 2	Rs. a. p. 47,931 2 4	Rs. a. p. 1,372 4 4	Rs. a. p. 10,138 12 9	Rs. a. p. 4,068 6 10	Rs. a. p. 15,579 4 3
Oonao	1,194	1,191	3	-	8,35,404	21,383	9,513	8,66,300	45,784 11 8	1,249 8 1	318 4 10	47,352 8 7	13,810 11 2	638 - 4	-	14,408 11 6
Durrabad	957	231	726	-	-	82,705	3,62,967	4,45,672	-	8,034 10 8	13,546 3 7	21,580 14 3	-	8,715 15 2	18,701 14 7	27,417 14 2
Roy Bareilly	1,480	1,257	219	4	39,551	6,06,573	2,05,866	8,51,900	4,662 6 2	32,261 5 11	7,875 8 10	44,799 4 11	1,154 12 11	11,501 12 2	9,129 1 10	21,785 10 11
Sultanpore	765	62	618	57	-	1,09,644	4,17,417	5,27,061	-	4,972 13 8	17,279 1 1	22,251 14 9	14,719 5 7	4,701 6 7	7,258 1 8	12,049 8 3
Pertabghur	2,533	2,528	5	-	7,28,786	3,62,073	1,605	10,92,464	38,545 5 8	19,868 1 9	68 3 9	58,481 11 2	-	4,601 5 -	63 5 2	19,383 15 9
Fyzabad	1,883	858	1,025	-	-	3,47,458	3,87,251	7,34,709	-	19,801 11 4	22,837 8 5	42,639 3 9	-	3,798 3 7	8,368 12 10	12,167 5 5
Seetapore	395	-	341	50	-	-	1,79,286	1,79,286	-	-	7,036 2 8	7,036 2 8	-	-	4,414 2 7	3,130 -
Hurdul	416	-	234	66	-	-	2,00,832	2,00,832	-	-	8,425 12 6	8,425 12 6	-	-	3,130 -	3,130 -
TOTAL	11,038	7,260	3,453	177	16,87,163	21,52,914	19,62,547	58,02,624	93,334 1 6	1,23,157 2 7	84,907 6 10	3,00,498 10 11	31,056 14 4	44,205 8 -	55,133 13 6	1,30,396 3 10
NAME OF DISTRICT.	TOTAL COST OF SURVEY				AVERAGE COST PER 1,000 ACRES				REMARKS.							
	Up to 30 April 1862.	In Year 1862-63.	In Year 1863-64.	TOTAL.	Up to 30 April 1862.	In Year 1862-63.	In Year 1863-64.	Up to 30 April 1864.	Sudder Moonserim.	Naib Sudder Moonserim.	AGENCY EMPLOYED.					
											Moonserim.	Ameens.	Mirdahas.			
Lucknow	Rs. a. p. 5,713 10 8	Rs. a. p. 47,107 11 11	Rs. a. p. 10,689 -	Rs. a. p. 63,510 6 7	Rs. a. p. 68 7 10	Rs. a. p. 75 9 8	Rs. a. p. 54 - 7	Rs. a. p. 70 3 8	1862-63	1863-64	1864-65	1865-66	1866-67			
Oonao	59,595 6 10	1,907 8 5	318 4 10	61,821 4 1	71 5 4	89 3 3	33 7 4	71 5 9	21	11	Not given.	18	277			
Durrabad	-	16,750 10 3	32,248 2 2	48,998 12 5	-	202 8 6	88 13 6	109 15 1	25	8	Not given.	2	46			
Roy Bareilly	5,017 3 1	43,763 2 1	17,004 10 8	66,581 15 10	147 1 3	72 2 4	82 9 7	78 2 5	2	2	Not given.	45	26			
Sultanpore	-	9,764 6 9	24,537 2 9	34,301 7 -	-	89 - 7	58 12 6	65 1 3	1	24	16	206	70			
Pertabghur	53,264 11 3	24,469 6 9	31,206 5 3	77,865 10 11	73 1 4	67 9 3	81 15 5	71 4 4	103	10	107	123	125			
Fyzabad	-	23,599 14 11	31,206 5 3	54,806 4 2	-	67 14 8	80 9 4	74 9 6	-	-	8	Not given.	80			
Seetapore	-	-	11,450 5 3	11,450 5 3	-	-	63 13 10	63 13 10	1	1	5	50	50			
Hurdul	-	-	11,555 12 6	11,555 12 6	-	-	57 8 7	57 8 7	1	-	-	-	-			
TOTAL	1,24,390 15 10	1,67,362 10 7	1,39,141 4 4	4,30,894 14 9	73 11 8	77 11 9	70 14 4	74 4 2	-	-	-	-	-			

C. Currie, Settlement Commissioner.

(signed)

Lucknow, 4 July 1864.

(signed) G. Currie, Settlement Commissioner.

Lucknow, 4 July 1864.

APPENDIX V.

No. 2.—STATEMENT showing the result of the KHUSRAH SURVEY in the several Districts of Oude.

NAME OF DISTRICT.	PER-CENTAGE TO TOTAL AREA.															REMARKS.	
	No. of Mouzas in District.	Area in Square Miles.	Population per Square Mile.	Total Area in Acres.	9. Cultivation.	7. Culturable Waste.	Baghs.		Detail of Barren.								
							8. Assessed.	9. Unassessed.	10. Village Sites.	11. Wells and Tanks.	12. Roads and Paths.	13. Maalee.	14. Barren.	15. Total of Cols. 10 to 14.			
1.																	
Lucknow	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	The Settlement Officer writes : "The area of city of Lucknow and cantonments is not included in any assessed village," consequently omitted in this statement.
Oonao	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	For entire district.
Durriabad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	The result of pergunnahs under survey have only been entered.
Roy Bareilly	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	For entire district.
Sultanpore	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	For pergunnah Inhons only given by settlement officer, hence the difference between column 9 of No. 1 and column 5 of this statement.
Pertabghur	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	For entire district.
Fyzabad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	For tehals Akherpore and Dostpore.
Sectapore	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	For pergunnahs Baree, Muncooh, and Mohunabad the settlement officer states—"The figures in column 4 are approximate only since the village sites have not been surveyed in 93 cases, and the population per mile has been calculated on the ascertained areas and population of the remaining villages only,
Hurdai	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	For pergunnahs Gondwa, Kulliamull, Balamow, and Sundeela only, hence the difference between column 9 of No. 1 and column 5 of this Statement.
AVERAGE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

APPENDIX VI

No. 3.—COMPARATIVE STATEMENT of the Results of REVENUE and KHUSRAH SURVEY.

NAME OF ZILLAH.	Result of Revenue Survey.				Result of Khusrâh Survey.				REMARKS.
	Cultivation.	Culturable, including Baghs.	Barren, including Maafec.	TOTAL.	Cultivation.	Culturable, including Baghs.	Barren, including Maafec.	TOTAL.	
1.	2.	3.	4.	TOTAL.	5.	6.	7.	8.	
Lucknow	—	—	—	—	—	—	—	—	The settlement officer writes: "Area of the islands which have been recently transferred from Cawnpore to this district is not included in columns 2, 3, and 4; they have been surveyed according to Khusrâh survey; three villages have been transferred to this district from zillah Hurdul; Revenue Surveyor's area not yet received."
Oonao	4,57,880	1,67,528	2,27,264	8,52,672	4,50,698	2,18,629	1,96,973	8,66,300	
Durriabad	2,28,570	35,066	64,445	3,28,081	2,90,686	77,552	77,435	4,45,673	
Roy Bareilly	4,37,333	2,71,680	1,97,915	9,06,928	4,17,466	2,40,325	1,94,203	8,51,994	The settlement officer writes: "The areas of several mouzahs are not sent by the Revenue Surveyor, hence increase is shown in Khusrâh survey. The Khusrâh survey of some of the mouzahs entered under columns 5, 6, and 7 are still not examined by the extra Assistant Commissioner this year; the corrected Khusrâh survey will be shown in next year's Report."
Sultanpore	26,286	22,050	8,405	56,741	28,157	22,593	13,214	63,964	
Pertabghur	4,90,462	3,02,257	1,25,581	9,18,300	4,45,130	1,88,533	2,82,584	9,16,247	
Salone	—	—	—	1,48,632	—	—	—	1,44,479	The settlement officer writes: "No area has been received from Revenue Surveyor of the four villages received from Sultanpore. The 23 villages held freehold by a purchase under Lord Canning's rule not surveyed, therefore not included in this. In the pergunnahs of Salone and Pursudeypore an error has been discovered in the total of the Surveyor's area, which has been referred to him for correction, as the mistake could not be corrected here."
Pursudeypore	—	—	—	34,107	—	—	—	33,341	
				11,01,039				10,94,067	

Lucknow, 4 July 1864.

Charles Currie,
Settlement Commissioner.

APPENDIX VII.

No. 4.—STATEMENT OF CASES Instituted and Disposed of in the Settlement Courts of the several Districts of *Oude*, up to 30 April 1864.

NATURE OF CASE.	Preferred.			Under Trial during the Year.		Decided during the Year.							Past and Present Years.					Analysis of Decisions.				REMARKS.
	2 Up to 30th April 1863.	3 During 1863-64.	4 Total.	5 Pending on 1st May 1863.	6 Instituted in 1863-64.	7 Total.	8 On Trial.	9 By Kazeenamah.	10 On Default.	11 Withdrawn.	TOTAL.			15 Up to 30th April 1862.	16 In 1862-63.	17 In 1863-64.	18 Total.	19 By Settlement Officer.	20 By Assistant Settlement Officer.	21 By Extra Assistant Commissioner.	22 Pending at close of 1863-64.	
											12 In favour of Plaintiff.	13 In favour of Defendant.	14 Total.									
1.																					23.	
(A.) Claims to proprietary rights in entire mouzahs.	Lucknow	1,747	1,113	2,860	1,691	78	1,769	1,008	14	13	404	631	1,035	4	52	1,035	1,091	524	511	-	1,769	
	Oonao	2,138	97	2,335	600	97	697	254	1	16	22	249	271	1,033	485	271	1,809	5	266	-	426	
	Durriabad	578	533	1,111	529	533	1,062	804	-	17	38	783	821	-	49	821	870	239	582	-	241	
	Roy Bareilly	1,754	825	2,579	1,393	105	1,498	718	1	1	154	566	720	-	361	720	1,081	219	501	-	1,498	
	Sultanpore	558	403	961	439	403	842	460	3	27	110	380	490	-	119	490	609	287	203	-	352	
	Pertabghur	331	124	455	42	124	166	140	2	12	5	23	136	159	58	231	159	448	85	56	18	7
	Fyzabad	340	1,477	1,817	313	1,477	1,790	311	2	-	52	261	313	-	27	313	340	298	15	-	1,477	
	Seetapore	-	400	400	-	400	400	273	2	2	11	266	277	-	-	277	277	* 277	-	-	123	
	Hurdul	-	765	765	-	765	765	389	-	1	4	386	390	-	-	390	390	247	143	-	375	
Total	7,446	5,737	13,183	5,007	3,982	8,989	4,357	9	58	52	818	3,658	4,476	1,115	1,324	4,476	6,915	2,181	2,277	18	6,268	
(B.) Claims to shares of proprietary rights in mouzahs.	Lucknow	1,458	758	2,216	1,370	448	1,818	300	4	4	50	260	310	-	88	310	398	200	108	2	1,818	
	Oonao	1,719	209	1,928	254	209	463	152	2	1	71	116	187	644	821	187	1,652	49	116	22	276	
	Durriabad	325	542	867	311	542	853	191	1	5	13	184	197	-	14	197	211	93	104	-	656	
	Roy Bareilly	602	336	938	552	106	658	178	24	1	27	68	162	230	-	50	230	280	+135	95	-	658
	Sultanpore	578	312	890	536	312	848	137	3	4	27	117	144	-	42	144	186	58	11	75	704	
	Pertabghur	593	1,201	1,794	182	1,201	1,383	459	170	30	65	325	399	724	271	140	724	1,135	261	133	330	659
	Fyzabad	358	1,395	1,753	358	1,395	1,753	169	39	-	93	115	208	-	-	208	208	8	157	48	1,545	
	Seetapore	-	622	622	-	622	622	378	1	-	8	371	379	-	-	379	379	* 374	5	-	243	
	Hurdul	-	378	378	-	378	378	74	2	1	27	50	77	-	-	77	77	+ 77	-	-	301	
Total	5,633	5,753	11,386	3,563	5,213	8,776	2,038	274	42	102	682	1,774	2,456	915	1,155	2,456	4,526	1,250	729	477	6,860	

+ Of these, 134 cases were prepared by Extra Assistant Commissioner, for the final orders of the Settlement Officer.

* These cases were prepared by Extra Assistant Commissioner, and final orders passed by Settlement Officer.

	78	142	215	73	105	178	37	-	-	25	12	37	-	5	48	37	37	36	1	178
(C.)																				
Claims to under-proprietary rights in entire mouzahs (Pookhta).																				
Lucknow	78	142	215	73	105	178	37	-	-	-	12	37	-	5	48	37	37	36	1	178
Oonao	53	3	56	-	3	3	2	-	-	1	1	2	-	-	-	2	55	-	2	1
Durriabad	-	68	68	-	68	68	67	-	-	4	68	67	-	-	-	67	67	6	61	1
Roy Bareilly	271	63	334	262	11	273	52	-	-	15	37	52	-	-	9	52	61	3	49	273
Sultanpore	11	270	281	9	270	279	236	-	11	9	239	248	-	-	2	248	250	59	189	31
Pertabghur	341	598	939	75	598	673	542	15	16	22	445	595	133	133	133	595	861	283	312	78
Fyzabad	379	1,157	1,536	363	1,157	1,520	269	104	-	112	261	373	-	-	16	373	389	373	-	1,147
Seetapore	-	19	19	4	19	19	7	2	-	2	7	9	-	-	-	9	9	*9	-	10
Hurdul	-	26	26	-	26	26	14	-	-	14	-	14	-	-	-	14	14	13	1	12
Total	1,128	2,346	3,474	782	2,257	3,039	1,226	121	27	332	1,055	1,397	138	208	1,397	1,743	782	615	615	1,731
(D.)																				
Claims to under-proprietary rights in less than entire mouzah, seer, &c.																				
Lucknow	101	183	284	91	139	230	42	1	1	8	36	44	1	9	9	44	54	18	26	230
Oonao	686	79	765	34	79	113	42	21	-	37	27	64	393	259	2	64	716	30	27	49
Durriabad	56	163	219	54	163	217	-	-	-	-	-	-	-	-	2	-	2	-	-	217
Roy Bareilly	454	163	617	335	-	355	213	-	-	130	83	213	-	-	119	213	332	7	206	285
Sultanpore	84	79	163	84	79	163	11	-	-	3	8	11	-	-	-	11	11	3	5	152
Pertabghur	319	318	637	108	318	426	286	7	6	71	232	303	72	139	3	303	514	120	183	123
Fyzabad	235	1,007	1,242	232	1,007	1,239	94	126	-	127	93	220	-	-	3	220	223	219	1	1,019
Seetapore	-	80	80	-	80	80	29	14	-	13	45	58	-	-	-	58	58	*58	-	22
Hurdul	-	74	74	-	74	74	53	1	-	2	52	54	-	-	-	54	54	33	21	20
Total	1,935	2,146	4,081	938	1,939	2,877	770	170	7	391	576	967	406	531	967	1,964	488	469	469	2,117
(E.)																				
Miscellaneous																				
Lucknow	221	145	366	214	134	348	11	-	-	-	11	11	-	-	7	11	18	5	6	348
Oonao	2,734	829	3,563	333	829	1,162	709	149	11	371	512	883	553	1,848	883	3,284	100	116	667	272
Durriabad	-	63	63	-	63	63	50	-	-	13	38	51	-	-	-	51	51	-	51	12
Roy Bareilly	146	70	216	128	11	139	42	17	-	33	26	59	-	-	18	59	77	3	11	45
Sultanpore	127	195	322	116	195	311	116	20	6	24	118	142	-	-	11	142	153	32	10	169
Pertabghur	384	444	828	15	444	459	198	154	8	7	187	180	210	159	367	736	167	4	196	92
Fyzabad	1,012	2,269	3,281	1,005	2,269	3,274	229	20	-	1	103	147	-	-	7	250	257	155	48	3,024
Seetapore	-	33	33	-	33	33	5	1	-	1	5	7	-	-	-	7	7	*7	-	25
Hurdul	-	184	184	-	184	184	15	1	-	-	16	16	-	-	-	16	16	14	1	168
Total	4,624	4,232	8,856	1,811	4,162	5,973	1,375	362	25	733	1,053	1,786	763	2,050	1,786	4,599	483	196	1,107	4,257
GRAND TOTAL	20,766	20,214	40,980	12,101	17,553	29,654	9,766	936	159	221	8,126	11,082	3,397	5,268	11,082	19,747	5,184	4,286	1,612	21,233

Note.—Of the cases marked thus * in column 19, 282 were prepared by Assistant Settlement Officer, for the final orders of the Settlement Officer.

Charles Currie,
Settlement Commissioner.

Lucknow, 4 July 1864.

APPENDIX VIII.

No. 5.—STATEMENT of Villages settled with Talookdars and others in the SUMMARY and REVISED SETTLEMENT of VILLAGES declared the Property of Government, and of Claims to Under-Proprietary Rights in Talookas disposed of by Settlement Officers up to 30th April 1864.

NAME of DISTRICT.	1.	2.	3.	4.	5.	Analysis of Result of Investigations into Proprietary Rights.								Number of Claims preferred for Under-Proprietary Rights in Talookas.				
						6.	7.	8.	9.	10.	11.	12.	13.					
—	—	—	—	—	Up to 30 Apr. 1863.	In 1863-64.	Up to 30 Apr. 1863.	In 1863-64.	Up to 30 Apr. 1863.	In 1863-64.	Up to 30 Apr. 1863.	In 1863-64.	A.	B.	C.	D.		
																	Up to 30 Apr. 1863.	In 1863-64.
Lucknow - -	-	1,417	322	1,095	299	-	3	3	75	-	23	-	195	16	-	5	8	13
Oonao - - -	-	1,194	246	248	798	24	1	88	12	38	4	505	126	51	1	658	695	15
Durriabad - -	-	815	361	454	176	-	-	-	15	-	3	-	158	68	2	217	56	231
Roy Bareilly -	-	1,480	922	558	193	2	7	1	6	10	31	12	124	217	62	536	465	350
Sultanpore - -	-	763	329	434	233	-	1	-	20	-	-	-	212	322	7	35	14	350
Pertabghur - -	-	2,561	1,728	833	234	-	1	-	10	-	2	8	213	1,089	182	305	660	916
Fyzabad - - -	-	3,595	2,451	1,144	90	-	-	-	23	-	1	-	66	2,217	509	78	632	2,172
Seetapore - - -	-	548	362	186	-	-	-	-	-	-	-	-	-	35	-	64	-	99
Hurdui - - -	-	416	169	247	175	-	-	-	4	-	-	-	171	14	-	86	-	100
TOTAL - -	-	12,789	6,890	5,899	2,198	26	13	92	165	48	64	525	1,265	4,029	763	1,984	2,530	4,246

NAME of DISTRICT.	Number of Casses in preceding Columns decided in favour of Under-Proprietors.																22. Total of Cols. 17 and 21.	23. Number of Cases in Col. 13 decided in favour of Talookdars.	24. Total of preceding Two Columns.
	By Consent.								On Trial.										
	14. Claims to hold Villages or Portions of Villages Pukka.	15. Claims to Birt and Sunkullup.	16. Ordinary Claims.	17. TOTAL.	18. Claims to hold Villages or Portions of Villages Pukka.	19. Claims to Birt and Sunkullup.	20. Ordinary Claims.	21. TOTAL.											
—	A.	B.	C.	D.		A.	B.	C.	D.		Up to 30 Apr. 1863.	In 1863-64.	Up to 30 Apr. 1863.	In 1863-64.	Up to 30 Apr. 1863.	In 1863-64.			
	—	—	—	Up to 30 Apr. 1863.	In 1863-64.	—	—	—	Up to 30 Apr. 1863.	In 1863-64.	Up to 30 Apr. 1863.	In 1863-64.	Up to 30 Apr. 1863.	In 1863-64.	Up to 30 Apr. 1863.	In 1863-64.			
Lucknow - -	-	1	-	-	1	5	-	5	-	10	-	11	-	10	-	21			
Oonao - - -	-	-	-	-	1	44	-	473	505	12	561	13	132	4	693	17			
Durriabad - -	-	-	-	-	-	5	-	2	2	5	2	5	-	62	2	67			
Roy Bareilly -	-	-	-	-	-	20	-	229	68	181	68	181	60	95	128	276			
Sultanpore - -	-	2	-	-	2	8	-	2	1	9	1	11	1	259	2	270			
Pertabghur - -	-	26	2	1	9	20	192	28	62	106	176	115	196	362	477	898			
Fyzabad - - -	-	193	30	5	1	227	10	-	-	10	1	237	17	348	18	585			
Seetapore - - -	-	2	-	12	-	14	1	3	-	4	-	18	-	49	-	67			
Hurdui - - -	-	-	-	1	-	1	14	1	-	15	-	16	-	52	-	68			
TOTAL - -	-	224	32	76	66	266	299	28	777	682	422	748	688	572	1,581	2,269			

Lucknow, 4 July 1864.

C. Currie,
Settlement Commissioner.

No. 6.—RETURN showing the Progress in the Interior Measurement and Completion of PRELIMINARY RECORDS in the SETTLEMENT of the several Districts in *Oude* during the Year 1863-64.

NAME OF DISTRICT.	COST OF SURVEY (i. e. preparing Rough Copies of Khurrah and Shujrah, as per Statement No. 1).										COPIES OF KHURRAH AND SHUJRAH.				KHUTEONEES.				WAJIB-POOL-URZES.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
	1.	2.	Up to 30th April 1863.		4.	5.	Complete.		Incomplete.		Complete.		Incomplete.		Complete.		Incomplete.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
			3.	6.			7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.	21.	22.	23.	24.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
NAME OF DISTRICT.	25.	26.	27.	28.	29.	30.	31.	32.	OTHER PAPERS.				COST OF PREPARING KHURRAH AND SHUJRAH.				COST OF OFFICERS AND ESTABLISHMENT.				TOTAL COST, as per Columns 5, 36, and 40.				REMARKS.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
									Complete.		Incomplete.		Up to 30th April 1863.	During 1863-64.	TOTAL.	Up to 30th April 1863.	During 1863-64.	TOTAL.	Up to 30th April 1863.	During 1863-64.	TOTAL.	Up to 30th April 1863.	During 1863-64.	TOTAL.	Up to 30th April 1863.	During 1863-64.	TOTAL.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
									33.	34.	35.	36.																37.	38.	39.	40.	41.	42.	43.	44.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
Lucknow	-	185	389	574	13	29	29	30	31	32	33.	34.	35.	36.	37.	38.	39.	40.	41.	42.	43.	44.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
Durrabad	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
Roy Barilly	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
Sutampore	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
Portabghur	-	752	379	1,131	14	681	695	10,298	-	10	32,765	12	5	29,848	12	1	18,031	12	1	31,010	8	8	37,068	14	9	15,163	15	9	52,510	2	9	67,083	8	6																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
Fyzabad	-	868	1,925	1,883	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Lucknow, 4 July 1864,

Charles Currie,
Settlement Commissioner.

APPENDIX
X.

No. 7.—STATEMENT showing the Result of the Revision of ASSESSMENT in the SUMMARY and REVENUE SETTLEMENTS.

[illegible]

* The assessment of this tehsil has not yet been reported for sanction.

Charles Currie, Settlement Commissioner.

Lucknow, 4 July 1864.

From Colonel *H. M. Durand*, c. b., Secretary to Government of India, Foreign Department, with the Governor General, to the Chief Commissioner of Oude (No. 269, dated Simla, the 26th September 1864).

I AM directed to inform you that the Governor General in Council has read with much interest the reports of the settlement operations in Oude up to the 30th April 1864, received with your Secretary's letter of the 27th July last, No. 2362.

2. From the Settlement Commissioner's letter, it appears that errors and mistakes regarding the demarcation of boundaries have occurred, so that villages have had, in some instances, to be re-surveyed. Landholders are responsible that boundary marks, when once put up by competent authority, shall be preserved. Where difficulties, then, have arisen in consequence of the destruction of such landmarks, masonry pillar should be erected at the cost of the owners of the land. This is the most appropriate mode of punishing them for any misconduct of the kind.

Paras. 3 and 4.

3. The comparative results of the revenue and khusrah surveys do not appear to the Governor General in Council to be satisfactory, even making allowance for some difference of data and for the circumstance that a certain amount of difference is unavoidable. The totals of cultivation and those of areas ought to closely approximate; unless they do so, or if those of the revenue survey are set aside and no effective attempt made to reconcile them, there can be little use in Government going to the large cost of such surveys; but the fact is, that they can, by care and attention, be made so to approximate as to be a great check one on the other. The two surveys should proceed *pari passu*, or nearly so. The revenue surveyor must be required punctually to make monthly returns, in a tabular form, of the areas of village lands classified under the usual heads; and the settlement officers also must be careful in procuring these returns and using them when furnished. Where discrepancies in excess of five per cent. occur in the cultivation or the area, the lands should be examined and the errors ascertained. There seems to be a tendency everywhere for surveyors and settlement officers, more or less, to pursue their own course until the season is over, instead of being in constant communication and co-operation.

4. A considerable amount of judicial work has been performed during the year, but it is difficult to gather whether the results have given general satisfaction. Considering that no less than 23,522 villages and their lands were contested between the talookdars and the village proprietary bodies immediately after annexation, of which the greater number, after a summary inquiry subsequent to annexation, were made over to the talookdars, the number of under-proprietary claims which entitle the owners to a sub-settlement seems small. There were only 3,474 of such claims to entire villages, out of which the parties were successful in no more than an average of 25 per cent.

Paras. 25 to 50.

5. In the result of the investigation into claims for subordinate rights not carrying with them a right of sub-settlement, the proportion was much more favourable to the claimants, being no less than 58 per cent.

6. It is a good feature in these judicial investigations, however, that the great number of them are said to have been decided in the presence of the parties interested and in the neighbourhood of the villages.

7. The decisions in these cases in Pertabghur were not proportionately favourable to the claimants, being only 71 to 232, in which the talookdars were successful. In a large proportion of appeals the results were more favourable to the humbler cause. It appears that in this district, when claimants of this class have failed in obtaining a sub-settlement, they have not attempted to recover minor rights.

Paragraphs 43 and 91 of Settlement Commissioner's Report.

8. The number of cases dismissed in default is not great, but that of decisions reversed on appeal is very large in Durriabad, Pertabghur, and Fyzabad.

	Settlement Officer.	Asst. Settlement Officer.
Durriabad	30 3 0	21 9 0
Pertabghur	- - -	35 3 0
Fyzabad	- - -	25 0 0

9. The order quoted in para. 46 of the Commissioner's report, directing inquiry to be made as to how far effect had been given to the circular directing settlement officers to take measures to ascertain and record under-proprietary rights, even when not recorded, is judicious.

10. It is also agreeable to find that in Fyzabad the talookdar, Maharajah Mauh Sing, and others in his position, have acted apparently with much consideration in recognising the claims to sub-proprietary rights. Bearing in mind how great is their power for evil as well as good, these chiefs are entitled to the acknowledgments of Government; efforts should be made to induce others to act in a similar manner. While the Governor General in Council fully admits that in such matters the influence of officers who are urbane and kindly in their manner and conduct will have a certain influence on talookdars; still, it seems clear to his Excellency in Council that something more than this is required in order to give fair play to the subordinate classes, who have claims connected with the tenures of land in Oude. It cannot be much that the talookdars will yield, but patient and careful inquiry would do still more; and this might be accomplished without infringing on the rights which the talookdars have acquired under Lord Canning's sunnuds.

11. The Governor General in Council has entered a good deal into this subject, as it is his Excellency in Council's conviction that it is the humbler classes in Oude who now require our protection. This is not a matter of territorial chiefs, on the one hand, or peasant proprietors on the other, but a question of whether large bodies of the agricultural classes shall or shall not be left completely at the mercy of the great landlords, on whom the late policy in Oude has conferred such solid advantages.

12. You justly enough allude to the circumstance that a number of the talookdars have consented to allow the inquiry into claims to subordinate proprietary rights in their talookas to extend back 12 years previous to annexation; but his Excellency in Council does not perceive that this permission has been acted on. The Governor General in Council requests that you will have it acted on.

13. The expenses of the settlement operations in Oude have amounted to a considerable sum, Rs. 13,44,360. 5. 3. A good deal of work has no doubt been accomplished, but it is not very clear how much work has been completed. The Settlement Commissioner appears to be desirous of enforcing economy as far as may be practicable. As far as possible, the actual out-turn of work for each year under report should be given for the future.

14. The assessments appear to have been made on reasonable and just principles; and, while yielding a considerable increase of revenue, have been readily accepted by the landowners. The Governor General in Council quite concurs in the Settlement Commissioner's views regarding the estimate of the qualities of soils, and the data on which assessments should be calculated. A limited classification of soil should be allowed. Care should be taken not only to check any over-estimate of the extent of irrigation, but to bear in mind the capital expended in creating and maintaining that irrigation.

15. By my letter, No. 251, dated 9th September, you were informed that the Governor General in Council has determined to reconstitute the appointment of Financial Commissioner in Oude under the conditions and limitations laid down in Mr. Secretary Edmonstone's letter of the 4th February 1856, No. 82, and I am now to acquaint you that you will, as soon as possible, receive the instructions of Government on the mode in which it is proposed to deal with claims to rights of every kind arising out of long possession, and which do not come under the sub-proprietary tenure, that is, cultivators who may claim a right to hold their lands on more advantageous terms than mere tenants-at-will.

From the Officiating Secretary to Chief Commissioner, Oude, to the Secretary to Government of India, Foreign Department, with the Governor General; (No. 2612), dated Lucknow, 16 August 1864.

With reference to my predecessor's letter, dated 27th ultimo, No. 2362, forwarding a Report on settlement operations in Oude during the year 1863-64, I am directed to forward an amended copy of paragraph 10, which the Chief Commissioner desires may be substituted for the one contained in the Report.

EXTRACT, paragraph 10, from Secretary to Chief Commissioner of Oude, to the Settlement Commissioner of Oude; (No. 2,258) dated 18 July 1864.

Paragraph 10.—The Chief Commissioner believes your estimate of the population of the province to be by no means exaggerated. He reckoned it last year after careful comparison with the area and population of adjoining districts in the North Western Provinces, and always assuming them to be more thickly peopled than our districts, at between 8,000,000 and 9,000,000. The census returns of the Oonao district must be nearly as accurate as such returns can ever be, and therefore the Chief Commissioner does not think your average of 450 per square mile for the seven districts south of the Gogra, can be too high; this would only give a population of 768,150 to Pertabghur, and yet it is quite impossible to suppose that that district, which has an area of 1,700 square miles, does not contain a larger number of inhabitants if the last North Western Provinces census returns, which give the population of the conterminous district of Jounpore, with an area of only 1,463 square miles, at 995,065, are at all correct.

(True Extract.)

(signed) *F. B. Mac Andrew*,
Officiating Secretary to Chief Commissioner, Oude.

From the Under Secretary to Government of India, Foreign Department, with the Governor General, to the Chief Commissioner of Oude; (No. 302) dated Simla, 6 October 1864.

I AM directed to inform you that his Excellency the Governor General in Council has looked over the circulars received with your Secretary's letter, No. 2,362, dated 27th July, on the settlements of Oude for the past year, and is of opinion that circular, No. 46, of the 10th June 1863, requires modification. In paragraph 3 it is stated that in Oude cultivators have no right of occupancy at fixed rents; this may be true in fact, but any claim to hold at fixed rents should be investigated and decided on its merits.

2. Further, it is stated that rights are not complete and permanent, unless they constitute an under-proprietary tenure, and that no person is safe against enhancement of demand unless his name is inserted in the proprietary column. Now it remains to be proved that there are no rights of beneficial occupancy: all claims to hold at low rates should be investigated and decided upon their merits. No declaration of the non-existence of cultivating rights is of any validity.

3. All such claims should be investigated in the same manner as is laid down in this circular for the investigation of under-proprietary rights.

From the Officiating Secretary to Chief Commissioner of Oude, to the Secretary to Government of India, Foreign Department, with the Governor General; (No. 2,909) dated Lucknow, 14 September 1864.

WITH reference to your telegraph of the 10th instant, I am directed to forward herewith the Reports, in original, of the settlement officers for the year 1863-64. Commissioners of Division have nothing to do with settlement operations, and, consequently, submit no reports upon them.

From the Under Secretary to Government of India, Foreign Department, with the Governor General, to the Chief Commissioner, Oude; (No. 320) dated Simla, 7 October 1864.

I AM directed to acknowledge the receipt of your Officiating Secretary's letter, No. 2,909, dated 14th September, forwarding reports from the officers whose names are inserted on the margin on the settlement operations in Oude for the year ending the 30th April 1864; and, in reply, to inform you that the settlement officers should be encouraged to write fully on all points of importance connected with their work, and that copies

Major Chamier.	Captain Perkins.
Mr. Maconochie.	Mr. Colin Lindsay.
Mr. Capper.	Capt. E. Thompson.
Mr. P. Carnegie.	Mr. R. M. King.
	Captain MacAndrew.

of their annual reports should invariably be sent up with the general report of the year.

2. In Mr. Maconochie's Report on the settlement of Oonao, his Excellency in Council observes (paragraph 12) that, though the Rajah of Morawan and other talookdars hold estates in one fiscal division of the district equal to one-third of it, not a single claim has been made for a sub-settlement. This seems strange and deserving of inquiry. Again, in paragraph 17, it is said that the claims to under-proprietary rights have been few in number, but those which have been preferred have been generally admitted.

3. Mr. Capper, settlement officer of Lucknow, alluding to the landed tenures, observes (paragraph 15) that he has formed a deliberate opinion that very little can be hoped from amicable arrangements in talookas. "They (the talookdars) fear the real village proprietors too much to admit for one minute that they are more than cultivating tenants at will."

4. In paragraph 17, the same officer states that where relief is granted to the headman, the proprietor does not extend it to the cultivator, but rigorously exacts his dues on the first favourable opportunity.

5. Mr. P. Carnegy, the settlement officer of Fyzabad (paragraph 19), alluding to sub-proprietary tenures, makes the following remarkable statement:—"I have never adjudicated a sub-proprietary case, until I had first failed in bringing the parties together, knowing full well that to decree a sub-proprietary claim in court is to sow the germs of a never-ending enmity." Of the precautions taken by this officer to avoid *ex parte* decisions, his Excellency in Council quite approves.

6. Further, Mr. P. Carnegy remarks (paragraph 33) that during the year, 13 applications for the record of tenant rights were made, some of whom were hereditary cultivators in possession, and some not in possession, but he adds no detailed investigation was made into these claims. The Governor General in Council assumes, therefore, that they were rejected. Further on, this officer adds that the experience of the year confirms his view that no such claim as tenant right existed under native rule.

7. Captain Perkins, writing regarding the settlement operations in Sultanpore, remarks as follows (paragraph 25):—"The claims to subordinate proprietary rights are few; none are admitted by the talookdars. The talookdars do not admit that there are such people as under-proprietors; the sentiment of justice is little known; the large landholders no longer require the feudal support of their clansmen, who are generally in a worse position than they were under the former Government of Oude." Captain Perkins adds that, "when returns were called for from talookdars of under-proprietary tenures, they were furnished blank, and on subsequent explanation, only contained the names of individuals whose rights would be ignored by the settlement officer." (Now, when it is remembered that such proprietors do notoriously exist, and are admitted by yourself to exist, it is evident that all impressions derived from the statements of talookdars as to the non-existence of cultivators with beneficiary rights must be received with the greatest caution.)

8. In the Report of the settlement officer of Seetapore (Captain Thompson, paragraph 14), the Governor General in Council finds the following observations regarding sub-proprietary claims: "the number thrown out, is double that of successful claims. I am satisfied with the way that talookdars deal with such cases. The talookdar is confronted with the claimant. In rare instances were witnesses called; it was possible to ascertain the nature of the claim by searching examination; afterwards its extent was agreed on by mutual examination." The Governor General in Council has to remark on the foregoing observation that the more searching the scrutiny may have been, so much the better; but no inquiry can be fairly pronounced to have been complete and satisfactory where a claim was rejected without the party being allowed to produce any evidence in his power.

9. Mr. King, the settlement officer of Pertabghur, makes some pertinent observations on the hardships entailed on mortgagees by the present system. The Governor General in Council requests that you will call for Reports from other officers, and submit them, with your opinion, to the Government.

10. Captain

10. Captain MacAndrew, the settlement officer of Roy Bareilly, in paragraph 15 of his Report, would lead to the conclusion that, even in some cases, tenures on fixed rates have been allowed in Oude. In the conclusion of this paragraph, he states that "numerous claims to share in coparcenary villages have been dismissed on the ground of being out of possession in 1862-63." His Excellency in Council directs that such cases as come within the limitation of 12 years previous to annexation should be reconsidered.

11. Referring to the feeling displayed towards the sub-proprietors by the talookdars, Captain MacAndrew states (paragraph 34) that such claims have in all cases been opposed by the latter class, and cites instances in which Rajah Beharee Lall opposed such claims even in villages which he acquired at annexation, or a year before, on the limitation of 1862-63 Fuslee. He adds that in no one case during the year has a talookdar admitted a claim in full, and concludes by remarking that he cannot say that the talookdars have shown much disposition to recognize the rights of under-proprietors so far as to allow them to be recorded.

12. In paragraph 36, the same officer states that, as regards the extension of limitation beyond 1862-63 Fuslee in such claims, there was no disposition in the talookdars to concede anything; and he adds that the extension to 12 years would deprive talookdars of villages by wholesale. By this, he, of course, means that it would simply limit the talookdar to the superior proprietary right conferred under the sunnud.

13. The Governor General in Council thinks that it must be admitted from the foregoing statements that there can be no reasonable doubt that the majority of the settlement officers in Oude are not favourably impressed with the disposition of the talookdars towards the sub-proprietary body; and that, as a rule, they will oppose all such claims to the best of their ability. It also shows in the Governor General in Council's opinion very clearly that, even under the present restrictions, claims to hold lands on favourable conditions by cultivators on the tenure of hereditary occupancy do exist; and his Excellency in Council has himself little doubt but that, if free and full inquiry were allowed, and the settlement officer evinced a disposition to hear such cases and decide them on their merits, many would be brought forward and proven.

14. The settlement officers are at present in a difficult position, particularly as regards the cultivating classes; they are forbidden to hear such claims; they know that, by the rules laid down in the so-called "record of rights," such rights have been altogether ignored; they know that you, as well as the settlement commissioner, have stated that such rights do not exist. They act, therefore, under great restraint, and naturally enough prefer saying as little as possible on the subject.

15. The Reports of the settlement officers will be returned to you from the Presidency Office after copies have been taken for record.

From the Secretary to Chief Commissioner, Oude, to the Secretary to Government of India, Foreign Department, Calcutta; (No. 2,829), dated Lucknow, 5 November 1864.

I HAVE the honour to acknowledge the receipt of your letter, No. 320, dated 7th ultimo, communicating the remarks of his Excellency the Governor General in Council on the Reports of the settlement officers for the year ending 30th April 1864.

2. From the remarks in the 1st and 14th paragraphs of your letter, marginally quoted,* the Chief Commissioner is led to fear that an impression has been formed,

* "Paragraph 1.—Settlement officers should be encouraged to write fully on all points of importance connected with their work.

"Paragraph 14.—The settlement officers are at present in a difficult position, particularly as regards the cultivating classes; they are forbidden to hear such claims; they know that, by the rules laid down in the so-called record of rights, such rights have been altogether ignored; they know that you, as well as the settlement commissioner, have stated that such rights do not exist: they act, therefore, under great restraint, and naturally enough prefer saying as little as possible on the subject."

formed, which his silence may confirm, that the settlement officers are checked in the free expression of their opinions. It seems necessary also to offer some explanation on other points noticed in the letter.

3. It has never occurred to the Chief Commissioner to tell officers that they were at liberty to state their views fully, and he is sure none have ever felt themselves under any restraint in this respect, or have thought that reticence would be the more prudent course. At some settlement and revenue conferences which were attended by a large number of officers, the greatest freedom of discussion prevailed, and the only officer that the Chief Commissioner ever recollects censuring for his opinion was Mr. Clifford, when he inveighed against the policy of 1858, which, as Mr. Wingfield remarked, had passed beyond the scope of criticism.

4. But it is probably not known to his Excellency that the Chief Commissioner especially desired settlement officers to report on the conduct of the talookdars in respect to inferior claims; it is not, therefore, too much to say that, but for this invitation, some of them, not having had much experience of talookdars, so far as the work of settlement had extended in their districts, would have said but little on the subject.

5. But, perhaps, the best defence the Chief Commissioner can offer lies in the fact that the reports of the settlement officers are considered to afford evidence opposed to the conclusions he has formed.

6. In short, the Chief Commissioner will affirm that there is not a province in India in which all questions of administration are more freely treated of in writing or verbally than this: whenever the Chief Commissioner visits a district, numerous questions are brought forward and discussed with the senior officials.

7. The circumstance adverted to in the 2nd paragraph of your letter, that no claim to a sub-settlement had been preferred in a considerable portion of the Rajah of Morarwan's estate, may be accounted for by observing that nearly the whole of the estate was acquired by purchase from the proprietors, who, of course, can claim no rights save such as were reserved to them at the time of sale, or afterwards voluntarily conceded. In paragraph 27 of the Chief Commissioner's Review of the Annual Settlement Report for 1863-64, the Chief Commissioner described how property had changed hands of late years in the districts adjacent to Lucknow.

8. The 17th paragraph of Mr. Capper's Report, referred to in paragraph 3 of your letter, attracted notice at the time. The Chief Commissioner remarked that as, to the best of his belief, no remission had ever been granted, except to petty proprietors whose villages, lying on the high road to Cawnpore, had been depopulated in 1857-58 by the ravages of war, the cultivators having fled, it was not easy to understand how any arrears could be recovered from them. Mr. Capper named two instances in support of his assertion, but on inquiry it was shown that no remissions had been allowed in these cases. The Chief Commissioner, therefore, observed that, if Government realizes its full demand from the proprietor, it cannot complain if he ultimately recovers it from his tenant, and that, as no instance of ordinary permission could be quoted, Mr. Capper's assertion that remissions failed to reach the cultivators was mere hypothesis.

9. The Chief Commissioner thinks that Mr. Carnegie's opinion, quoted in the 5th paragraph of your letter, must be regarded as conjectural, as there has not yet been time to judge of the results of a judicial decree or a disputed claim to under-proprietary right. But the Chief Commissioner must say that he does not share Mr. Carnegie's belief: indeed, without wishing to disparage Mr. Carnegie, to whose merits as a settlement officer he bore ample testimony in his review of the settlement operations, the Chief Commissioner must confess that he thought this assertion of Mr. Carnegie's was suggested by a spirit of pardonable exultation at the success of his exertions to bring the parties to an amicable adjustment of their claims.

10. The Chief Commissioner did not understand the 15th paragraph of Captain MacAndrew's Report as intended to convey the idea that cultivating tenures at fixed rates had been allowed. The tenures Captain MacAndrew describes

describes are in Oude treated as proprietary, though often found in non-talooka villages. He meant to explain that our rules carefully separate proprietary from non-proprietary cultivators (the importance of distinguishing between whom is dwelt on in paragraphs 121 to 124 of "Directions to Collectors") and maintain every right possessed by the former. The Chief Commissioner must also observe that there has been a misapprehension regarding the meaning of the concluding portion of the paragraph. "The ground stated in the paragraph," on which Captain MacAndrew says numerous claims to shares in coparcenary villages have been dismissed, "are that they are not based on possession within 12 years," not dispossession in 1262-63 Fuslee only, which never was the rule of limitation for claims of equal interests.

11. Captain MacAndrew has verbally assured the Chief Commissioner that he has correctly expressed his meaning.

12. With reference to paragraphs 11, 12, and 13 of your letter, the Chief Commissioner begs to be allowed to remark that the opinion expressed in the 57th paragraph of his review of the Report of the settlement commissioner of the degree in which the conduct of the talookdars was likely to be influenced by the personal qualities of the different settlement officers was formed after reading the Reports of the latter. Captain MacAndrew is a man of calm, dispassionate mind, and his testimony the Chief Commissioner is not disposed to controvert. The Chief Commissioner certainly will not attempt any defence of those who have denied the existence of under-proprietary rights, but he can confidently say that, though there are few talookdars with whom he has not conversed on the subject, none have ever held such language to him. Of the chief talookdar in Captain Perkins's district, the Rajah of Amethee, he (Captain Perkins) cannot entertain a more unfavourable opinion than the Chief Commissioner does. The circumstances of his talooka are very peculiar, as Mr. Wingfield has already explained to the Government of India; but he thinks the ready assent given by the talookdars to the extension of the term of limitation for the hearing of under-proprietary claims fixed by the Record of Rights Circular, at a time when neither they nor the Chief Commissioner had the least doubt of its validity, may be allowed to weigh against the adverse opinions of even a majority of settlement officers, given at a time when they were ignorant of any such concession having been made.

13. And as regards cultivating rights, it was not solely on the denial of talookdars that the Chief Commissioner rested his disbelief of their existence, as the arguments advanced in letter No. 932, dated 26th March 1864, will show; but the Chief Commissioner may add, that these rights are quite as strenuously denied by the independent proprietary communities and intermediate holders in talookas.

14. The Report called for in paragraph 9 will be furnished hereafter.

From the Secretary to Chief Commissioner of Oude, to the Secretary to Government of India, Foreign Department, Calcutta (No. 2832, dated Lucknow, 5 November 1864).

I AM directed to forward to you, for the information of his Excellency the Governor General in Council, copies of circulars, marginally noted, issued by the Financial Commissioner.

Book Circular,
No. 1, of 15 Oct.
1864; Book Cir-
cular, No. 2, of 24
Oct. 1864.

2. With reference to paragraph 7 of Circular No. 2, I am desired to state that the Chief Commissioner has pointed out to the Financial Commissioner that a special appeal lies to him by law, chapter 10, Act VIII. of 1859, but the power of revision he can exercise under the provisions of the Government notification, dated 6th August 1861, No. 4325, without any appeal being preferred.

BOOK CIRCULAR No. 1.

From the Financial Commissioner, Oude, to all Commissioners (Circular No. 3-75, dated Lucknow, 15 October 1864.)

UNDER the Chief Commissioner's circular concerning the preparation of the record of rights in the soil, dated 29th January 1861, it was provided that claims to under-proprietary rights in mouzahs settled with talookdars holding sunnuds to an intermediate interest in the land between the talookdar and the ryot should be heard only on the condition that the rights claimed existed in 1855, the year prior to annexation.

2. Similar claims to landed rights in mouzahs settled with other persons than talookdars holding sunnuds were, under paragraph 27 of the circular, made admissible, provided the dispossession of the claimants was not proved to have endured more than 12 years from 1858-59, the date of the current summary settlement, or, in other words, prior to 1846-47.

3. Under the instructions of his Excellency the Viceroy and Governor General, communicated to me by the Chief Commissioner, I request that the following uniform rule of limitation may be applied to both classes of suits, viz.—

4. All suits to rights in the soil shall be heard and decided on their merits, provided that the dispossession of the claimant cannot be proved to have endured for 12 years from the date of annexation, or from the 13th February 1844.

5. I request that the effect of the introduction of this rule on cases may be immediately ascertained and reported. The number of cases which it would be necessary to bring again upon the files should be stated as nearly as possible without wasting time in the scrutiny.

6. It is to be understood that, by suitors under the rule now laid down, nothing can be acquired in mouzahs held by talookdars under sunnuds beyond the most favourable terms enjoyed by them in any one year, since the incorporation of their lands with the talooka, and not the equivalent of their former rights, viz., a sub-settlement at five per cent. on the Government demand.

7. The mere holding of a temporary lease will not be sufficient proof of intermediate proprietorship.

BOOK CIRCULAR No. 2.

From *R. H. Davies*, Esq., Financial Commissioner, Oude, to all Commissioners (Circular No. 5-125, dated Lucknow, 24 October 1864).

I HAVE received through the Chief Commissioner the orders of his Excellency the Governor General in Council to the effect that the rights of cultivators other than tenants-at-will must be carefully investigated, and, if judicially proved to exist, recorded in the settlement records.

2. It is not now admissible to raise the question whether rights of occupancy at rates below the maximum rent are in an economical sense advantageous or the contrary. The simple point for determination is whether, according to the usage of the country, such rights are recognised and enjoyed or not. If such rights are proved to exist, they must, like other landed tenures, be maintained, whatever opinion be held concerning their tendency.

3. The rights of non-proprietary cultivators, as recognised at the settlement of the North-West Provinces, are treated of in paragraphs 128 to 134 of the "Directions to Settlement Officers," with which all revenue officers in Oude are familiar.

4. It has been stated that in Oude no rights of occupancy of any kind exist, and that all non-proprietary cultivators are of one description, namely, tenants at the will of the landowner. It remains, however, to be proved whether this statement is correct, or whether similar rights of occupancy to those recorded at the settlement of the North-West Provinces are possessed by cultivators in any or all of the districts of Oude.

5. The Government of India is of opinion that, in consequence of the exclusion of claims of cultivators from hearing during the progress of the settlement under the authority of paragraph 31 of the Chief Commissioner's circular concerning the preparation of the record of rights (dated 29th January 1861), sufficient opportunity has not been given for the investigation, or sufficient data accumulated for the decision of the question as to whether these customary rights exist or not; and has directed that an impartial hearing shall be given to all claims preferred to them, and that whatever rights on the part of non-proprietary cultivators can be proved to exist shall be recognised and recorded.

6. It

6. It will be necessary to make an investigation in every village to determine what cultivators, if any, have a right of occupancy either at fixed, or beneficial, or market rates. It is advisable that this should be commenced simultaneously in each district under settlement in an equal number of villages (say 25 of each), whether held by talookdars or proprietary communities. The same procedure should be followed as that laid down in the Chief Commissioner's circular, No. 46, dated 10th of June 1863. Lists of non-proprietary cultivators claiming a right of occupancy should be drawn up by the sudder moonserim. The settlement officer or his assistant should then proceed to the village and confront the parties; if they come to an agreement between themselves, its present and prospective terms should be fully and distinctly recorded, both as regards occupancy and rent. The settlement officer should see that such agreements really comprehend the points disputed, and are not merely temporary adjustments. Where no agreement is come to, the prescribed proceedings must be held as in any other claims to rights in land, and all available evidence and information sought for, with the object of elucidating the true facts and the general usage of the country. The settlement officer has no power under the Civil Procedure Code to refer cases to arbitration against the will of the parties to the suit; but where they agree to this method of settlement it is, in my opinion, highly desirable to adopt it, as the best means of showing the sense of the people of the country as to their own custom.

7. An appeal will lie as in other suits from the decisions of the settlement officer to the Commissioner, and I shall be prepared to exercise the power of review allowed under the local law.

8. The following points are amongst those which should be clearly brought out in the investigations. The specification according to the khusrah of the land in which the right is claimed, whether the occupancy of the same fields has been continuous, whether, if it has changed, such change can or cannot, according to the usage of the village or the vicinity, be made without injury to the rights in question? What has been the duration of the occupancy and the number of successions in the family of the claimant? How the occupancy arose, whether by breakage of waste, by grant, or agreement, or otherwise? Whether the proprietor has ever exercised the right of eviction or can do so? How has the rent and revenue been paid, whether its amount has varied, and what terms concerning it are claimed? The putwaree and canoongoes also might be asked whether any distinction has been recognised among non-proprietary cultivators, and what form it took? Other points will probably suggest themselves in the course of the enquiry.

9. The decision should clearly explain the nature of the right of occupancy, if any be decreed; whether it carries with it the right to pay anything less than the rack rent demandable from the tenant-at-will or a fixed rent, or nothing but a preferential title to cultivate so long as the proprietor's demands are fulfilled. Whatever be the terms, they should be exactly recorded.

10. After reviewing a certain number of decisions, I hope to be in a position to issue some general instructions as to the further disposal of this class of cases, the importance of which has attracted the attention of the Government of India.

Political Department.

(No. 3.)

Sir *Charles Wood* to the Governor General of India in Council.

Sir,

India Office, 10 February 1865.

Para. 1. I HAVE received your Foreign (Revenue) Despatches, Nos. 10 and 11, dated respectively 22d November and 9th December 1864, containing the views of your Government on the subject of the tenures in Oude, and the measures which you are taking in order to carry them into effect.

2. The very serious and important questions discussed in the papers accompanying these despatches,—are,

1st. Whether certain alleged rights of occupancy on the part of classes of ryots did or did not exist in Oude at the time of annexation; and

2d. Whether, under the operation of the sunnuds granted to the talookdars by the Chief Commissioner, pursuant to the directions of Lord Canning's Government, these rights are now preserved to the ryots.

3. It is maintained on one side that these rights existed and are preserved; on the other, that they did not exist, but that, at all events, their recognition is inconsistent with the rights granted to the talookdars by the sunnuds, and that it would be a breach of faith if they were now allowed and protected.

4. In order to avoid confusion, it is perhaps necessary to premise that there are certain "proprietary rights" in Oude which are admitted to have been preserved, and Mr. Maine considers that the alleged rights of occupancy now in question may fairly be classed under the term "proprietary rights." In the present Despatch, however, I shall use the term "proprietary rights" as applicable only those rights which are admitted to have been preserved, and the term "rights of occupancy" as designating the rights now in question.

5. I observe in these papers several references to official correspondence in India, which was not, as it ought to have been, communicated to me when it took place. In consequence of this omission, I have been imperfectly informed of some of the proceedings connected with the transactions referred to, and even now have not the documents before me so as to be able to judge of their full bearing. Indeed, it is now for the first time that this question of rights of occupancy in Oude has been mentioned in the despatches from the Government of India on the subject of the tenures in Oude, and brought distinctly to the attention of the Secretary of State.

6. In the earlier correspondence only "proprietary rights" are mentioned. In the proclamation issued by Lord Canning it was "the proprietary right in the soil" of Oude which was declared to be confiscated. In the sunnuds which were issued to each talookdar, it was recited that "all proprietary rights in the soil of Oude were confiscated and passed to the British Government, which became free to dispose of them as they pleased;" and then the sunnuds proceeded to grant what was thus declared to be at the disposal of the British Government, viz., the proprietary rights. To each talookdar was granted "the full proprietary right, title, and possession of the estate" named therein; and then it is made one of the conditions of this grant, that "all holding under you shall be secured in the possession of all the subordinate rights they formerly enjoyed."

The letter from the Secretary of the Government of India to Mr. Wingfield, dated 19th October 1859, mentions only intermediate holders, and the despatches of the Secretary of State, of April 1860 and August 1861, speak only of the rights which had been brought to his notice, those of "under-proprietors" and "proprietary rights."

7. It would sufficiently account for the silence of the Government of India on the subject of "occupancy rights," in its correspondence with the Home Government, if it was understood that the rights declared to be confiscated by the proclamation, and granted by the sunnuds, were only "proprietary rights;" and that whatever occupancy rights existed in Oude at the time of annexation were unaffected by the measures of the British Government.

In this case, the occupancy rights would obviously stand now in precisely the same position as that in which they stood at the time of annexation. If they existed then, they would remain in existence now.

8. Questions as to the alleged occupancy rights have been subsequently raised in India, and were brought to the notice of the Government of India by Mr. George Campbell, the late Judicial Commissioner in Oude, in his report, dated in April 1862.

I learn, from the papers now before me, that Mr. Wingfield was called upon for a report upon the subject. Of this I was not informed; nor, indeed, has any correspondence on the subject been sent home by the Government of India, and I only glean very imperfect information, from incidental references in these papers, to what has occurred.

9. In these recent discussions, however, it seems to be assumed that the occupancy rights, if they existed in Oude at the time of annexation, were affected by the measures of the British Government, as the proprietary rights were; and I shall now proceed to discuss on this basis the question whether they exist or not.

10. It was the undoubted object of Lord Canning's policy to reinstate the talookdars in possession of the estates which they had held at the time of annexation, and to restore them to a position of influence and authority. It is true, that by the course which was adopted, they were allowed to enjoy the possession of estates which they had in many cases acquired, by acts of usurpation and spoliation, in the years preceding annexation, when a state of anarchy and lawlessness

lessness prevailed throughout the country, as was pointed out in my Despatch of April 1860. Lord Canning, however, was of opinion that it was more conducive to the public interest to concede this benefit, when it was of importance to bring the country into a state of tranquillity, with as little delay as possible, through the influence and instrumentality of the talookdars, than to incur the risks which might have attended an indefinite postponement of a settlement. He, indeed, went further than this; for, in lieu of the uncertain title by which some of their estates were held, and the ill-defined rights in others, he conferred upon them full proprietary rights, and with an indisputable title, in all the estates of which they were in possession.

11. It is unquestionable, therefore, that both as regards possession and proprietary right in their estates, the talookdars were placed in a very much better position by Lord Canning's measure than they had held under the Mahomedan rulers of the country.

12. But whilst Lord Canning, as a matter of policy, gave to the talookdars much to which they had no legitimate claim, he appears to have considered it equally wise and just, and equally his duty, to preserve to others the rights, subordinate to those of the talookdars, which they had enjoyed at the same period. He was generous to the talookdars, but he was not unjust to the possessors of subordinate rights.

13. In his well-known address to the talookdars of Oude, in full durbar at Lucknow, Lord Canning stated his own view of what he had done, in the following words:—

“The ancient system of land-tenure has been restored, but has been placed upon a new and clear foundation. The preservation of the great families of the soil has been encouraged and facilitated. The rights of the humbler occupants have been protected.”

The first part of this declaration is fully carried into effect by the grants to the talookdars which have been referred to, and by according to them, in perpetuity, a privilege to which the greatest value is attached, that they should be the persons entitled to a direct settlement with the Government. I can entertain no doubt of the benefits to be assured to the humbler occupants having been equally provided for by the condition inserted in the sunnuds, that “all holding under the talookdars should be secured in the possession of all the subordinate rights they formerly enjoyed.”

14. It appears to me, that the grants in the sunnuds are necessarily co-extensive in their operation with that of the confiscation on which they are based. If only proprietary rights were forfeited, it was only necessary to re-grant proprietary rights, and then the occupancy rights remained on their former footing, whatever that was. If occupancy rights were forfeited, then they were restored and preserved under the sunnuds.

15. Mr. Wingfield, who is the strongest advocate of the rights of the talookdars, does not deny that the occupancy rights are preserved, if they existed at the time of annexation. Denying their existence, he frankly admits, in a letter to Sir J. Lawrence (which is transmitted with these Despatches), that “the pledges given by Lord Canning, and conveyed in the sunnuds, will not be infringed by maintaining any existing rights.” Again, he says, “that the sunnuds which the talookdars hold only provide for the maintenance of rights previously enjoyed; and they might fairly urge that it would be a violation of the guarantee, if new rights be created to their prejudice.”* I do not understand that any one proposes this, or contends for more than the preservation of rights which formerly existed.

16. While Mr. Wingfield is of opinion that no such rights existed in Oude at the time of annexation, on the other hand, their existence is distinctly asserted in the report of Mr. George Campbell, to which I have already referred. I observe also, that in a letter from the Secretary to the Officiating Chief Commissioner

* Letter from Secretary to the Chief Commissioner of Oude to the Secretary of the Government of India, No. 932, dated Lucknow, 26 March 1864.

missioner to the Secretary to the Government of India, dated 28th August 1861, it is stated that, "a modified right to occupancy is allowed here by all, that is, the right of a cultivator who has long occupied the same land to retain it in preference to any one else, provided he gives a fair rent." It seems to me, therefore, that, under any circumstances, the only point to be determined is the single question of fact, whether any occupancy rights on the part of cultivating ryots did or did not exist at the time of annexation. If such rights existed, and were unaffected by the orders of the Government of India, they exist now as they did then. If they existed and were affected by the orders of the Government, they were restored and secured by the sunnuds. In either case, the only foundation on which they can rest is their previous existence at the time of annexation. An inquiry into this point is the indispensable preliminary to any future proceeding for determining and recording the rights of individuals.

17. There is a point of less though still of considerable importance, which is reported in these papers as having come under your consideration. The time at which the existence of any of the subordinate rights was to be ascertained, was the period of annexation. I observe that you have made an alteration in this respect, with the consent of the talookdars themselves, and that a somewhat earlier period is to be taken for this purpose; and I approve of this arrangement. Indeed, I had pointed out, in my Despatch of April 1860, the difficulty of ascertaining the existence of any rights at all at a period of such confusion and anarchy as prevailed at that date.

18. I have already approved of your having restored the appointment of Financial Commissioner in Oude. It will be part of the duty of that officer to investigate such cases as may be brought forward involving this question; and a paper containing certain directions issued by him is attached to the collection transmitted with your Despatch.

19. I do not gather from these papers whether your Excellency in Council has approved of the circulars of Mr. Davies, or has issued any orders thereon.

20. It seems to me that the Financial Commissioner has adopted a course, for the purpose of making these investigations, which may be misunderstood and prove embarrassing. He has directed the settlement officers to select knots of 25 villages in each district under settlement, and to proceed to each village for the purpose of judicially deciding on any claims that may be preferred by the ryots, to a permanent beneficial interest superior to that of tenants-at-will, an officer having preceded him in order to prepare a list of such claimants. The settlement officer having decided judicially each of these claims is to form at once the permanent record. This measure appears to me to carry with it the assumption that this class of tenants, with permanent rights, does exist, notwithstanding the denial of the talookdars, supported by the Chief Commissioner, and may have a tendency to encourage persons to advance claims which they might otherwise not have brought forward. Before adopting this step, I think that the preliminary question of the existence of this class of tenants should have formed the subject of investigation, and that the further measure of judicially deciding on each claim, and forming a record for each village, should not have been taken unless the result of that investigation had established the existence of such rights.

21. It appears, therefore, to have been premature to make an inquiry into the *status* and rights of every ryot in every village or any number of villages in Oude. Such a measure appears, not unnaturally, to have caused apprehension in the minds of the talookdars, who certainly may have had reason to suppose, from the instructions issued by Mr. Wingfield, that such rights would not be recognised. If these inquiries have not been already carried on to a great extent, and the question as to the disputed fact of the existence of the alleged rights of the ryots generally has not been already satisfactorily solved, I think it would be better to suspend the proceedings for recording rights, in order that they may be preceded by an inquiry of the general character to which I have above referred. It is of the greatest importance to reassure the talookdars, and to remove any impression that there is a wish to create new rights, or to resuscitate rights which had become obsolete, or to adopt any measure to their disadvantage,

vantage, now or hereafter, which can militate against their superior position, or affect the subordinate character of all holding rights in their talooks.

22. It is not to be forgotten that the great object of Lord Canning's policy in the re-settlement of Oude was to maintain in that province a class of superior native landholders in an influential position, and whom he invested also with considerable administrative and judicial powers. This policy had the full approval of the Home Government.

23. Every report which has been received from the Province speaks in terms of high commendation not only of the loyalty which the talookdars have displayed in various ways, but of the highly creditable manner in which they have exercised the powers entrusted to them.

24. It would be matter of deep regret to Her Majesty's Government if, in carrying these recent measures into execution, any reasonable cause of complaint was given to the talookdars. The just claims of subordinate holders, to the maintenance of which the faith of the Government is as much pledged as it is to the talookdars, must not be sacrificed; but I am very anxious that the measures ordered by your Government should not be pushed beyond what is indispensably requisite for this purpose, and that every consideration should be shown to the talookdars, so as not in any way to lower their position in the eyes of the country.

25. I believe that their interests will not be injured by the maintenance of the rights of others, and that the good feeling, and indeed the well-being of the whole community, will be best promoted by the full recognition of the rights of all classes; but after what has taken place in Oude, and the expectations which the talookdars have been led to entertain as to the effect of Lord Canning's measures, I am confident that you will see the propriety of taking especial care, without sacrificing the just rights of others, to maintain the talookdars of Oude in that position of consideration and dignity which Lord Canning's Government contemplated conferring upon them.

DISSENTS AND OPINIONS OF MEMBERS OF THE COUNCIL OF INDIA.

DISSENT by Sir *James Hogg*.

I DISSENT from the Despatch of 10th February 1865, and am desirous of recording my reasons. The first question there raised is, "whether certain alleged rights of occupancy on the part of classes of ryots did or did not exist in Oudh at the time of annexation." This question is not decided by the Despatch, but a general preliminary inquiry is directed. I know of no means of instituting such an inquiry, except by reference to public officers who have had local experience, and that course has already been adopted. We have the full and able reports of Mr. Wingfield and Mr. Currie, who seem to be the officers most competent to decide, and they state that no such right ever existed in Oudh. We have also the reports of 15 deputy commissioners and settlement officers, of whom seven also declare that no such right ever existed. The other eight advert to a vague right of occupancy, but the cases are so few and are stated to be subject to such qualifications that I agree with Mr. Grey in thinking "the only officers who seek to uphold that theory have written reports that are more calculated to discredit the theory than to establish it." It is not alleged by any of these officers that the alleged right of occupancy was in any case accompanied by a right to a fixed rent, and a mere preferential right of occupancy would, in Oudh, be valueless, and therefore is not likely to have existed. In Bengal, where the population is dense, a mere preferential right of occupancy might be of some value, but not so in Oudh, where the population is very scant, and where the scramble is not among ryots for holdings, but among talookdars for ryots. It is not alleged in any of the documents that any right of occupancy was ever recognised by the government or courts under the native dynasties; and forming my opinion from the evidence before me, and the circumstances of the country, I think that no such right ever existed.

The next question is whether, under the sunnuds granted to the talookdars by the Chief Commissioner, pursuant to the direction of Lord Canning's Government, these rights, if they did exist, are preserved by the ryots.

The sunnuds were granted, as stated in the documents themselves, for political reasons, and in construing them, we must look to what Lord Canning intended to grant and what the talookdars believed they had received, and not seek to restrict the rights and privileges of the talookdars by discussing the terms, as if we were arguing an English conveyance.

Lord Canning declares in the sunnuds that "all proprietary rights in the soil of Oudh were confiscated and passed to the British Government, which became free to dispose of them as it pleased." Thus, in the sunnuds themselves, Lord Canning declares that after the confiscation, it was open to him to re-grant the estates, subject to any conditions he pleased to annex.

Let us look to the correspondence before granting the sunnuds; not as determining the question as to the right of occupancy, but as showing the opinions and views of Lord Canning, and indicating his intentions. He strongly condemns the North Western system of settlement, as destructive of the native aristocracy, and creating discord between the lords of the soil and the ryots, and he declares it to have proved a failure, politically and socially. He further declares that the introduction of that system into Oudh in 1855-56 was so unjust to the talookdars as to palliate the rebellion that ensued. In a Despatch to the Court of Directors from Lord Canning, dated 18th October 1858, he says, in paragraph 34:—



"The next subject which calls for consideration is the system to be followed in the settlement of the land revenue. Recent events have very much shaken the Governor General's faith in the stability of the village system, even in our older provinces; and his Lordship is therefore all the more disposed to abandon it in a province to which it was unknown before our rule was introduced in 1856. The Governor General is well aware that in some of the districts of the North Western Provinces, the holders of villages belonging to talookdars, which had been broken up at the settlement, acknowledged the suzerainty of the talookdar as soon as our authority was subverted. They acted, in fact, as though they regarded the arrangement made at the settlement as valid, and to be maintained just so long as British rule lasted, and no longer; and as though they wished the talookdar to re-assert his former rights, and resume his ancient position over them at the first opportunity. Their conduct amounts almost to an admission that their own rights, whatever these may be, are subordinate to those of the talookdar; that they do not value the recognition of those rights by the ruling authority; and that the talookdaree system is the ancient, indigenous, and cherished system of the country. If such be the case in our older provinces, where our system of Government has been established for more than half a century, during 20 years of which we have done our best to uphold the interest of the village occupant against the interest and influence of the talookdar, much more will the same feeling prevail in the province of Oude, where village occupancy independent and free from subordination to the talookdars has been unknown. Our endeavour to better, as we thought, the village occupants in Oude has not been appreciated by them. It may be true, as stated in the memorandum, that these men had 'not influence and weight enough to aid us in restoring order,' but they had numbers, and it can hardly be doubted that, if they had valued their restored rights, they would have shown some signs of a willingness to support the Government which revived those rights; but they have done nothing of the kind. The Governor General is therefore of opinion that these village occupants, as such, deserve little consideration from us;" and in a Despatch to the Secret Committee, dated 17th June 1858, he says:—

"That the allegiance of those who had broken into rebellion, was little more than a year old, and that they had become British subjects by no acts of their own; that our rule had brought loss of property upon many of them, and upon some an unjust loss, and that it had diminished the importance and arbitrary power of all." "I consider these facts to be a palliation of rebellion, even where hostility to us had been most inveterate, and therefore I put aside altogether the punishments of death, transportation, and imprisonment." And in a Despatch to the Secretary of State for India, dated 25th November 1859, he says:—"The maintenance of a territorial aristocracy in India, wherever we have such an aristocracy still existing, is an object of so great importance, that we may well afford to

to sacrifice to it something of a system, which, whilst it has increased the independence and protected the rights of the cultivators of the soil, and augmented the revenue of the state, has led more or less directly to the extinction or decay of the old nobility of the country.” * * * *

“ But in Oude at least we have a new and favourable opportunity of attempting the solution of the problem. The Government has been, from the date of the confiscation proclaimed in March of last year, free to take a new departure, unencumbered by its previously declared adoption of a system similar to that of the North Western Provinces.” * * * *

“ We must work downwards through the landed aristocracy and the old hereditary chiefs, carrying the best of them with us as regards their interests, and if possible as regards their feelings; but showing them that abuse of the authority which we entrust to them, will be followed by discredit and loss to themselves. If we work upwards, elevating the village proprietors, whilst we thrust aside their heretofore arbitrary masters—not only curbing the power of the latter, but narrowing the field of their interests and occupations—we shall succeed in nothing but in sowing dissensions between the two classes of lords and cultivators of the soil, making discontented subjects of the first and getting little gratitude from the second.”

I think we may assume that Lord Canning was not likely to continue or create the evils he so strongly deprecates.

He was at the same time warned by his officials that the talookdars were most suspicious, in consequence of the treatment they received at the annexation, and that they were apprehensive that any boon granted to them would be withdrawn when entire tranquillity was restored.

Mr. Forsyth, Secretary to Chief Commissioner, in a letter, dated Lucknow, 4th June 1859, says:—

“ The Chief Commissioner takes the liberty of earnestly representing to his Excellency the Right Honourable the Governor General in Council, that the information he has acquired from persons most capable of judging, and from all parts of the province, convince him that no class of the population believes in the long continuance of possession conferred by this settlement.

“ 2. The talookdars, unable to realize such a departure from our former system, think we have restored their estates merely to purchase their submission, and the speedy restoration of order; and they fear we shall throw them over at the next settlement, as we did at annexation, when they were admitted to engage for the revenue of a single harvest only.” * * * *

“ Any less unqualified assurance that the Chief Commissioner could give would be ineffectual. To say the settlement was final, subject to the approval of his Lordship in Council, and further than that the Chief Commissioner could not go, would rather tend to increase distrust. He has, therefore, abstained from giving sunnuds till he can do so in the desired sense.”

It appears from the above extracts that the Chief Commissioner was so apprehensive of creating distrust, that he requested that the sunnud, when finally settled, might be issued from himself absolutely, and not subject to the approval of the Governor General in Council, as is usual in such grants. In the correspondence and discussions previous to issuing the sunnuds, no right is mentioned or alluded to, except proprietary rights; and I think it was clearly the intention of Lord Canning to restore the native aristocracy to their ancient position and dignity, and to give the talookdars the entire dominion over their estates, subject only to sub-proprietary rights. But we are not left to conjecture as to his intentions. There was considerable discussion between him and the Chief Commissioner as to the terms of the sunnud; and in the letter from Lord Canning (19th October 1859) to the Chief Commissioner, transmitting the sunnud, when finally revised and settled by him, he says:—

“ The sunnuds declare that, while on the one hand the Government has conferred on the talookdars, and on their heirs for ever, the full proprietary right in their respective estates, subject only to the payment of the annual revenue that may be imposed from time to time, and to certain conditions of loyalty and good service; on the other hand, all persons holding an interest in the land under the talookdars, will be secured in the possession of the subordinate rights which they have heretofore enjoyed.” And as if the above was not sufficiently clear and explicit, he adds:—

“ The meaning of this is, that when a regular settlement of the province is

made, wherever it is found that zemindars or other persons have held an interest in the soil, intermediate between the ryot and the talookdar, the amount or proportion payable by the intermediate holder to the talookdar, and the net jumma finally payable by the talookdar to the Government, will be fixed and recorded."

There can, therefore, be no doubt that Lord Canning, in annexing the condition in the sunnuds, intended to preserve proprietary rights only; and yet it is stated in the Minute of the Governor General, "that he is entitled to say that he does not propose any reversal of the policy of a former Government." And in like manner it is stated in the Despatch in the 13th paragraph, "I can entertain no doubt of the benefits to be assured to the humbler occupants 'having been equally provided for by the condition inserted in the sunnuds, that 'all holding under the talookdars should be secured in the possession of all the subordinate rights they formerly enjoyed.'" Allegations which seem to me in direct opposition to the intention of Lord Canning, as stated by himself before granting the sunnuds, and repeated by him after the grant in the instructions issued by the Chief Commissioner, and approved by him. I have dwelt upon the intention of Lord Canning, because I think that in construing such grants, made under such circumstances, the chief, if not sole consideration, is the intention of the Government that made them.

The day after granting the sunnuds, Lord Canning addressed the talookdars, in public Durbar, thus:—

"You have, all of you who are here present, received yesterday the grants of these estates which the Government has restored to you. You will see by the terms of these grants, that the ancient talookdaree system of Oude is revived and perpetuated. Be assured, that so long as each one of you is a loyal and faithful subject, and a just master, his rights and dignity as a talookdar will be upheld by me, and by every representative of your Queen, and that no man shall disturb them."

Why this pomp and ceremonial, but to give increased assurance, and remove distrust and suspicion? And to render that assurance more perfect, he speaks with prophetic apprehension, not only for himself, but for every future representative of the Queen.

After granting the sunnuds, instructions were issued by the Chief Commissioner in accordance with the meaning and intentions of Lord Canning. They directed that proprietary rights only should be recorded, and expressly excluded occupancy rights. These instructions were approved by Lord Canning, who granted the sunnuds, and also by Lord Elgin, and have been acted upon for five years. It is alleged that the approval of the instructions was general, as if the special point of occupancy rights might have escaped notice; but Mr. Grey says, "nor can it be supposed that the point was overlooked by the then Governor General, for it was specifically adverted to, and approved in the 8th paragraph of the reply to the Chief Commissioner."

The Secretary of State for India, in his Despatches relating to the settlement, adverts only to proprietary rights. In his Despatch of the 8th February 1860, he says:—

"You were quite right in rejecting at once the proposition of the Chief Commissioner that all under-tenures should be abandoned to the mercy of the talookdars; and I observe, from your Lordship's more recent proceedings, that the engagements into which you have entered with the talookdars, provide for the protection of the under-proprietors, and that when a regular settlement is made, in all cases where there is an intermediate interest in the soil between the talookdar and the ryot, the amount or proportion payable by the intermediate or subordinate holder to the talookdar, will be fixed and recorded after careful and detailed survey." * * * * *

"By personally addressing them in Durbar, and by causing sunnuds to be issued confirming them, under certain conditions, in their proprietary rights, you have, I doubt not, effectually disarmed their suspicions and secured their loyalty by identifying the fixity of their tenures with the stability of the Government under which they are held."

And again, in his Despatch of the 17th August 1861, after he had received the record of rights as prepared by the Chief Commissioner, he says:—

"I have already called your attention to the important point that the rights of under-proprietors should be clearly defined and jealously protected. In my Despatch of the 24th April 1860, I called the attention of your Excellency's Government,

Government to this subject, and I have since consulted the correspondence, which you have forwarded, with much anxiety, to ascertain the measures which might be in progress for the accomplishment of this important object. I observe that in his Annual Report, the Chief Commissioner speaks favourably of the contentment of the under-proprietors, and states that they have had no difficulty in fulfilling their obligations to the talookdars. The papers officially reported are wanting in detailed information upon this point. I gather, however, from a circular entitled 'Record of Rights' (placed in my hands by Mr. Wingfield, to whom I applied for information on this subject) which the Chief Commissioner, in January last, issued to his subordinate officers, that in consequence of my instructions, some measures have been taken to protect the rights of the under-proprietors." Thus restricting his directions to proprietary rights only.

So clear and specific were the instructions issued by the Chief Commissioner, and the approval of them by Government, that it was suggested that under the provisions of the Council's Act, they had the force of law, and could not be departed from save by legislation. This point was considered so doubtful that a case on the subject was submitted to the Advocate General, who was of opinion that the proceedings had not the force of law. I cannot, however, admit that public faith is less binding than legal obligation. There never was even a suggestion as to the existence of any occupancy rights till three years after the sunnuds were granted, when the Judicial Commissioner, in his report, stated that such rights did exist. But conceding that there had been some rights of occupancy, and that under the condition in the sunnuds it might be argued that they are preserved, I contend that the question is not now open. It has been decided by competent authority, and that decision has been ratified by two Governments, and acted upon for five years, and, in my opinion, it cannot be departed from without a violation of public faith that could not fail to create distrust, not only throughout Oude, but throughout India. I fear that other grants and concessions made by Lord Canning, after quelling the mutiny, including the right of adoption, may be regarded as having been made under the pressure of the times, and that they may be withdrawn by some future Government. But why, I ask, has this question been raised? Was there any practical grievance to redress? Has it been alleged that the talookdars have been cruel, unjust, or oppressive to their ryots? Have the ryots been crying for justice, or clamouring for rights withheld? On the contrary, the province is tranquil and prosperous, the talookdars are reported as kind landlords, loyal subjects, acting up to the wishes of Government, and aiding their views, and the people contented and happy.

Why disturb this tranquillity and contentment by attempting to obtrude on the province a right resisted by the talookdars, and not asked for by the ryots, and, as it appears to me, only to vindicate a very questionable theory? Under these circumstances, and for the reasons I have assigned, I am of opinion that the Despatch ought to have directed that the settlement should proceed under the orders issued by the Chief Commissioner, and that the deviations from them, if any, should be corrected.

(signed) *J. W. Hogg.*

21 February 1865.

OPINION recorded by Sir *Erskine Perry*.

I FELT very great reluctance in withholding support from, perhaps, the most important measure Sir John Lawrence has taken since he has been Governor General. All who appreciate the high qualifications of the present Viceroy for his post, must desire to give him the most cordial support from home; and all who know his views as to the peasant rights of occupancy, must see clearly the pure and benevolent motives which have induced him to rip up the policy of his immediate predecessors. Nothing, then, but a strong conviction that the course he has entered upon in Oudh is very injurious to the best interests of that province, would induce me to recommend the Secretary of State to withhold his approbation, and, if possible, to put an end to the inquiry instituted by the Supreme Government.

Two questions prominently present themselves :

1st. Does the course now taken by Sir John Lawrence conflict with the policy adopted, and sanctioned, by Lord Canning and Lord Elgin ?

2d. Is it sound policy to resuscitate, or create, or preserve, hereditary rights of occupancy ?

1st. Lord Canning's broad policy in Oudh was to re-establish the landed chiefs in all their rights and privileges in contradistinction to the village system which had been established in the north-west ; and it may be admitted that the inquiry now instituted with respect to occupancy rights does not directly militate with that broad policy ; but it is not less true that, on restoring the talukdars to their possessions, and on inquiring into the subordinate rights, which were also preserved to sub-proprietors by Lord Canning, it became an immediate question whether hereditary rights of occupancy existed in Oudh ; and the Chief Commissioner, with ample means for inquiry, and, as it seems, with the fullest sources of information, decided that these rights did not exist. This decision was fully reported to Lord Canning's Government, and was sanctioned. The talukdars have always stoutly maintained that no such rights exist ; and as for years they have had the decision of Government in their favour, it seems to me impossible to deny that the mere institution of an inquiry will appear to them, and in point of fact is, a reversal of the policy of the preceding Government. It appears to me that a reversal of this kind, on the mere motion of the Governor General, without any complaints made, without any practical grievance, and in fact, in pursuance of a theory on which the most conflicting opinions exist in India, is highly injudicious, and opposed to any stable system of Government.

2d. The inquiry instituted is, in my mind, a very impolitic step *per se*. There is no one question in India on which so much difference of opinion prevails as that of the existence of beneficial hereditary occupancy. The older school of civilians believed that cultivators whom they found on the land cultivating at beneficial rates, and succeeding one another from father to son from time immemorial, were the real proprietors of the soil ; and that the great landowners, whether called talukdars, zemindars, grassias, or khotes, were but mere farmers of the revenue, and any rights claimed by them beyond revenue rights necessary for collection, were gained by usurpation. It was thought that a great mistake had been made in Lord Cornwallis's settlement by too much ignoring the rights of the peasant occupiers, and by attributing too great powers to the talukdars. Accordingly, all our legislation and policy for the last 50 years, up to the great rebellion, was in favour of occupancy rights ; and the north-west settlement of Mr. Thomson, and Act 10 of 1859, in Bengal, gave expression to these views.

But another party, and all the landowners of Oudh in particular, both talukdars and sub-proprietors, stoutly deny the existence of such rights ; they explain away all the facts of hereditary occupation on grounds which, after reading Mr. Currie's able Minute, appear to me most plausible, and, indeed, convincing ; and they contend that, wherever hereditary rights of occupancy exist, they have been created by the British. On looking to other parts of India, I see that exactly the same mistakes have been made, by Government proceeding on erroneous theory, and that more extended knowledge is leading to sounder views as to the true position of talukdars, and cultivating rayats. I subjoin some extracts from a "Bombay Collection," showing the opinions of Government officers as to land tenure in Guzerat.

But this statement shows that, to institute an inquiry on a question when such a conflict of opinion exists, when the facts to be brought forward are of a twofold or ambiguous character, and on which every civilian connected with revenue cannot fail to have foregone conclusions on one side or the other, is to open a door that lets in interminable discussions ; and no decision that can be arrived at will carry more weight with it than that already pronounced by Mr. Wingfield.

On reading over the whole of the papers (and indeed much more), I come to the conclusion that Mr. Wingfield's decision was quite right ; but, even if it were not, I cannot agree with Sir John Lawrence that sound policy requires these occupancy rights to be resuscitated. They have been established by law in Bengal (Act 10 of 1859), and we see the difficulty of carrying that law into effect, and the embarrassment caused thereby to Government, to the landowners, and to the cultivators. I should shrink from introducing such a law into any other

other part of India. Whatever the rights (if they did exist) may be, they are infinitesimal in value to the rayat, because it is admitted that the landlord may raise the rent; but they are infinite in annoyance to the latter, because he cannot do so in any one case without a lawsuit. It is also clear that if the rights did exist, they were not enforceable by law, no instance of a decree by a native Panchayet for restoring an ousted rayat, can, it is said, be alleged; and therefore the so-called rights were rather duties of morality, or imperfect obligations, to be enforced by public opinion, than legal rights. I should greatly prefer, then, to see the relations which have existed between talukdars and rayats going on as they have done for centuries, governed by mutual convenience, mutual interests, and the usages of native society, than to see stringent laws introduced, founded on English notions of landlord and tenant; for the history of British India is full of examples of the great mischief done by clothing imperfect theories in the rigid garb of law.

If the above views are sound, a temperate exposition of them by the Secretary of State could not fail to induce the Governor General spontaneously to put an end to the enquiry.

(signed) *E. Perry.*

21 February 1865.

EXTRACTS from Bombay Proceedings.

IN 1862 an Act was passed which commenced thus: "Whereas the lands held in, &c., or Guzerat, under the title of talukdari estates, are now only held on leasehold tenure, determinable at the pleasure of Government," &c. &c. But in carrying that Act into execution, the Bombay settlement officers have discovered that the Government had entertained the most erroneous views as to the true position of talukdars, who are now pronounced to be the original proprietors of the soil from before the commencement of history; and that, in attempting to set up occupancy rights on the part of the rayats, Government were creating a right which had never been exercised, and which was not even claimed. Act VI. of 1862.

Mr. Ellis, one of the most eminent civilians under the Bombay Government, states, "even to talk of a talookdar's tenure as if he derived his holding from Government, or held at their pleasure, is an unmitigated error."

Mr. Peile says, as to the occupants, "that the cultivators have no rights of occupancy, is asserted by the cultivators themselves, by the grassias, and by all the officers who have experience in these districts. No such right existing, it would surely be a very unusual proceeding, even with the strongest reasons, for Government to confer them. But no such reasons, it is submitted, exist."

DISSENT by Mr. Macnaghten.

I DISSENT from the Despatch to the Government of India, which passed Council on the 9th instant, on the subject of the talookdars in Oude:—

Because it does not, in my opinion, go far enough in disapproving the policy of the Government of India.

Because the weight of evidence before Lord Canning when he granted the sunnuds to the talookdars in 1861, was opposed to the presumption that there ever existed ryots in Oude who possessed "occupancy rights," *i. e.*, rights conferring on them any real advantage, or any beneficial interest whatever in their holdings. It is true that, in a demi-official letter to Sir John Lawrence, Mr. Wingfield states that "the pledges given by Lord Canning, and conveyed in the sunnuds, will not be infringed by maintaining any existing rights." I think this admission has been made too much of in the Despatch. Mr. Wingfield was in the position to be better informed on the subject than any other man living, and, with the information before him, he advised Lord Canning that these rights did not exist at the time of annexation, and therefore they were not included in the sunnud. To prove how thoroughly this subject was discussed and understood both by Lord Canning and Mr. Wingfield, I would refer to the letter of the

former of 10th October 1859,* and to the reply of the latter† of the 15th of the same month.

Because, in the sunnuds, Lord Canning intended to protect, and did sufficiently protect, the interests of "sub-proprietors" and of "all persons holding an interest in the land under the talookdars;" and that he intended to confer, and did actually confer, by such sunnuds, on the talookdars all and every other right and property in their respective talooks; and that in such sunnuds he totally ignored the existence of occupancy rights; and that the talookdars of Oude, in their communications with the Chief Commissioner, were led to believe that so such occupancy rights were recognised by the British Government. Those who maintain that "occupancy rights" have existed in Oude, admit that such rights are indefinite and undefinable, and, if unaccompanied by the right to hold at fixed rates, are of little or no value. In my opinion, it is the worst possible policy to disturb the relations which, during the last four or five years, have subsisted between the talookdar and the ryot; no grounds whatever, either of complaint by the ryot, or injustice or wrong done by the talookdar, having been adduced in justification of the proceeding.

Because, under the circumstances which have taken place, it will be absolutely impossible to make the talookdars believe that the enquiry will be conducted with impartiality‡; and because I consider that the action taken by the present Governor General (in whatever way the enquiry may result) is a direct reversal of the policy of Lord Canning; that the doubt and uncertainty engendered by this reversal will extend far beyond the talookdars of Oude; will create a general want of confidence in all sunnuds granted by former Governors General; and will induce the princes and chiefs of India to believe that the British Government, in the hour of weakness and danger, have endeavoured to conciliate the powerful and influential classes by promises and pledges to be afterwards repudiated or disregarded.

(signed) *E. Macnaghten.*

22 February 1865.

OPINION recorded by Sir *Frederick Currie.*

As I learn that some dissents have been recorded from the Despatch of the Secretary of State in Council regarding tenant rights in Oude, which passed the Council on the 9th ultimo by a majority of nine to three of the members present who voted, I am desirous of briefly recording the reasons which induced me to give my cordial concurrence to that Despatch.

2. I have read carefully all the correspondence and minutes that have been at any time sent home, in relation to the Oude talooqdars, as well as the extracts from, and abstracts of, letters which have not been communicated, contained in the *précis* of Mr. Aitchison, the Under Secretary to the Government of India, which accompanies the present collection.

3. The

* Extract Lord Canning's letter, 10th October 1859, para. 3:—"The right (talookdaree) is conceded, subject to any measure which the Government may think proper to take for the purpose of protecting the inferior zemindars and village occupants from extortion, and of upholding their rights in the soil in subordination to the talookdar."

† Mr. Wingfield, 15th October 1859:—"I have made it a condition that the talookdars are to maintain all holding under them, in all the rights they have heretofore enjoyed, and these rights have been, or are being recorded. The inferior zemindars will thus be effectually protected from wrong, and that is all that is wanted. To embody the substance of your third paragraph in more definite terms in the sunnud, would, I am firmly persuaded, make matters worse than before. It would unsettle the minds of the inferior proprietors, and encourage extravagant hopes of independence. It would alarm the talookdars, and make them regard the gift of the proprietary right as a mockery and a delusion. Moreover, it will place an engine in the hands of any future Commissioner or Governor General, adverse in principle to the talookdars, which would enable them virtually to amend the settlement, and oust the talookdars nearly as effectually as was done in 1856."

‡ Extract of a letter from the Secretary to the Government of India to the Chief Commissioner of Oude, dated 26th September 1864:—"11. The Governor General in Council has entered a good deal into this subject, as it is His Excellency in Council's conviction that it is the humbler classes in Oude who now require our protection. This is not a matter of territorial chiefs on the one hand, or peasant proprietors on the other, but a question of whether large bodies of the agricultural classes shall or shall not be left completely at the mercy of the great landlords on whom the late policy in Oude has conferred such solid advantages."

3. The points which I affirm to be clearly established by these documents, are—

1stly. That the measures of Lord Canning's Government regarding confiscation, and those regarding the grant to the talooqdars, had reference solely to the proprietary right, as distinguished from tenant or any other right in the soil of Oude.

2ndly. That the maintenance of all other rights, as well as proprietary rights, is expressly declared by Lord Canning to have been the intention of his measures.

3rdly. That the question of the existence or non-existence of any tenant right in Oude was never brought to the notice of the Government of India during the period of Lord Canning's administration.

4thly. That as soon as the question of the existence of tenant rights in Oude was brought to the notice of the Government of India, action was taken, with a view to their preservation, if they existed.

5thly. That the presumption is strong in favour of the existence of the right in some shape or another, and that the statements on the other side were made, not after investigation or enquiry, but on assumption, and on grounds of political expediency.

6thly. That the measures taken by the Oude officials who are adverse to the existence of the rights, have been of a character to prevent the assertion of the claim by the parties interested in its maintenance, and to stifle enquiry.

7thly. That an investigation into the fact of the existence or non-existence, at the period of annexation, of tenant rights in Oude, was necessary—that the measures taken by the Government of India are not in contravention of the policy, or pledges, or intentions of Lord Canning, but that, on the contrary, they are indispensable to the maintenance of his Lordship's policy, the redemption of his pledges, and the carrying out his intentions.

4. The first point above laid down is proved by the whole tenor of Lord Canning's Despatch to the Secret Committee, dated 17th June 1858, in reply to the celebrated Despatch of Lord Ellenborough, when President of the Board of Control, condemning the proclamation of confiscation. Lord Canning, in that document, describes what his purpose and intention were in issuing the proclamation, and declares that it was intended to go no further than to re-adjust the relations between the talooqdars and the zemindaree proprietors of Oude in talooqdaree estates; which relations had been materially altered by the settlement proceedings which had been carried on between the date of annexation and the breaking out of the mutiny. His Lordship explains in what he considered the former settlement objectionable, and his strictures are limited to the position in which the talooqdars were placed by it in relation to the proprietary body, which had been heretofore subordinate to them. So distinctly, indeed, does his Lordship declare the limitation of his measure to this re-adjustment, that Lord Stanley, in replying to the Despatch alluded to, uses the following expression *:—"I observe, with satisfaction, that the policy indicated in the document adverted to, as regards the claims of the talooqdars and other proprietors in Oude, has not, in practice, been adopted by you." "However indiscriminate and unsparing may have been the sentence of confiscation which your proclamation pronounced, that sentence has not been put in force." Really, in effect, the measure was a confiscation, in which nothing was confiscated; the new status of the zemindars created by the settlement had not been confirmed by Government.

* Despatch from Lord Stanley, dated 9 December 1858.

His Lordship's Despatch to the Court of Directors of 4th July of the same year is to the same purport, and in all his subsequent correspondence (especially I would instance the Despatch to the Secretary of State, dated 25th October 1859), and in the measures adopted by him for the grant of proprietary right to the talooqdars, and the preservation of under-proprietary right to the zemindars in talooqdaree estates, Lord Canning was perfectly consistent. So completely were his measures confined and limited to the talooqdaree tenure, that in the thousands of pure zemindaree estates in Oude, in which there are no talooqdars, though the proprietary right in these was also confiscated, the measure of nominal confiscation was never carried out at all, nor have these estates even been mentioned.

5. The second point, if there were not distinct record of it, might be inferred from the declaredly limited purport and intention of Lord Canning's measures; but it is not left to inference. When the Chief Commissioner suggested that the success of the measure of making the settlement with the talooqdars would depend on their being put in plenary possession of their estates in fee simple, Lord Canning refused his assent to the proposition, and declared that he had no intention of destroying existing rights. This determination of his Lordship is thus commented on by the Secretary of State in paragraph 11 of his Despatch of 24th April 1860:—"You were quite right in rejecting, at once, the proposition of the Chief Commissioner, that all under tenures should be abandoned to the mercy of the talooqdars."

Accordingly, it was expressly provided in the sunnuds given to the talooqdars, that "all holding under you shall be secured in the possession of all the subordinate rights they formerly enjoyed;" and his Lordship prescribed in his letter of the 19th October 1859, in respect to under-proprietors, the precise mode in which their rights were to be maintained and guarded. Similar language regarding the rights of all holding under the talooqdars, "The humbler occupants," is contained in his Lordship's address to the talooqdars themselves, in public durbar, at Lucknow; and on another occasion, when the Officiating Chief Commissioner maintained that, whatever might have been the decision of the Viceroy in estates regranted to the former owners, at any rate, in estates confiscated on account of the continued rebellion of the former talooqdar, and bestowed as rewards for good service on other parties, "all subordinate rights had been obliterated by the act of confiscation, and the grantee recovered the estate unfettered by any subordinate rights whatever." The Governor General in Council declared that from that view he "entirely dissented;" he declared that the policy of Government had been to leave the confiscation of 1858 in force only in the cases of persons who persisted in rebellion, and to restore in its integrity the ancient talooqdaree tenure, wherever it had existed at the time of the first occupation in 1856; and that it never was intended in talooqdaree estates, confiscated or conferred, that the holders of subordinate rights, though themselves not persisting in rebellion, and though pardoned by the Queen, should be subject to any penal consequences.

I take the above abstract of Lord Canning's order from Mr. Aitchison's *précis*. The letter conveying the order is said to be dated 12th September 1860, No. 4060. It has not been sent to this office.

6. The third point above affirmed is established by the absence of all mention of tenant-occupancy right in the whole of the correspondence and proceedings of Lord Canning's government. His Lordship seems never to have considered the question in reference to Oude. I quite admit my belief, on the one hand, that occupancy rights, at fixed rates, or beneficial rates, or market rates, were not in his mind when he declared that all existing rights should be maintained as they were at annexation. His orders had not special reference to any particular rights; his desire was that all rights and customs that existed at annexation in talooqdaree estates should be preserved; but I also affirm that neither, on the other hand, had he these fixed, or beneficial, or market rate tenant rights in his mind when he gave his assent to the long administrative paper, called "Record of Rights." He was given to understand by the Chief Commissioner that all tenants in Oude were tenants-at-will; no suggestion to the contrary had been brought before him, and therefore he gave assent to their being so recorded. The Chief Commissioner's argument that an assent so obtained was to have the force of law in extinguishing and destroying any tenant rights which might have existed, and of the existence of which Lord Canning was in ignorance, could not, of course, be for a moment allowed.

7. I now come to my fourth point. The assertion that tenant rights existed in Oude, and of the tendency of the measures which were being carried on by the settlement officers, under the orders of the Chief Commissioner, to extinguish these vested rights, was first brought to the notice of the Government of India by Mr. Campbell, the Judicial Commissioner of the province, in his Report on the Judicial Administration of 1861: immediately, a report as to the correctness of Mr. Campbell's statement was called for from Mr. Wingfield, by Lord Elgin's government, to which requisition it is stated in these papers that no reply was made. When Mr. Campbell's Report was communicated to the Secretary of State

State he called the attention of the Government of India to the statement about the tenants, with a view to the matter being enquired into; but nothing further seems to have been done till Sir John Lawrence succeeded Lord Elgin, and found the question in this unsatisfactory state.

8. In support of the fifth point, noted above, I affirm that hereditary tenant occupancy, with more or less of beneficial right attached to it, is an institution which prevails in every part of India, whether under the Bengal, Madras, or Bombay Presidencies, and throughout Central India (its origin is correctly stated in Sir C. Trevelyan's Minute). The presumption, therefore, is, that it exists in Oude. I have had much experience in districts formerly portions of Oude, ceded to us in 1803 and now adjoining the Oude Province. I was nearly 16 years of my life in those districts. I made the settlement of a pergunnah in the Goruchpore district in 1827, long before Mr. Bird or Mr. Thomason had anything to do with revenue administration. I have also superintended, as Revenue Commissioner, settlements on the borders of Oude, where the zemindars or talooqdars possessed villages on both sides of the boundary line. In all these settlements, occupancy rights were recognised and recorded, and I do not remember a single instance in which the right of occupancy was questioned. It seems to me absurd to call the fact of occupancy-right in tenants a "Thomsonian theory." It is recognised in the Bengal regulations since 1793; in those for Benares since 1797; and in those for the North-Western Provinces since 1803, Regulation 18 of 1819, and the circular orders of the Southern Division Adawlut, in construction thereon, containing express provisions for the prevention of the eviction of residentary ryots, so long as they pay their rent, in these very provinces in which Mr. Thomason is said to have introduced the theory between 1834 and 1854. I say nothing about rent at beneficial or fixed rates; these, I dare say, exist in some districts, but I have not met with them except in special and rare instances, but I shall be very much surprised if the investigation which is taking place does not establish the existence in every village of hereditary ryots, with rights of occupancy at fair market rates. We have reason, also, to presume that these rights exist in Oude from the mode in which the question has been met by those who deny their existence, not, as Mr. Maine has observed, by facts established on inquiry, but by reference to European writers on political economy, by disquisitions on the disadvantages of under-tenures generally, and criticisms on the judgment of those who have, since the commencement of our rule, maintained the existence of the right in other parts of India. Mr. Yule, moreover, bears testimony to the existence of tenant rights, as described above, in Oude, and Mr. Wingfield himself admits distinctly the same in one paper, and as distinctly denies it in another.

9. Proof of the sixth point is apparent from the instructions issued to the settlement officers in the "Record of Rights" and other documents, which, as affirmed by Mr. J. Campbell, as the result of personal inquiry, and subsequently admitted by the officers themselves, were considered by them a prohibition to the hearing of claims to occupancy rights of every description. The settlement officers could not even admit the assertion of such a claim, and the only other persons vested with administrative jurisdiction in revenue matters, except the Commissioner of Settlements and Chief Commissioner, from whom the orders emanated, were the talooqdars themselves, whose administrative powers in revenue cases in their own talooquas, where they are themselves the interested parties, appear to have been continued to them, notwithstanding the disapproval of the measure by the Secretary of State in Council contained in the Despatch of 17th August 1861, and repeated subsequently in the Despatch of 30th April 1864. Mr. Wingfield, as a proof of the non-existence of tenant rights, states that the tenants themselves had not come forward to claim them. This, as remarked by Mr. Maine, is an argument not to be admitted when the power to urge their claims had been effectually denied them.

10. I now come to the seventh and last proposition regarding the necessity of the present inquiry, and its accordance with Lord Canning's policy. The circumstances I have detailed above prove that there was good ground for believing that vested rights of some kind or another, other than proprietary rights, do exist in the agricultural community of Oude, the preservation of which is necessary to the ends of justice; that Lord Canning had distinctly pledged himself to the

preservation of all existing rights; that he had been kept in ignorance of the alleged existence of these particular rights; that these rights had been ignored in the settlement record; and that the possessors of them had been prevented from asserting them up to the time that the measures now under consideration were taken by the Government of India. It further appears that the rights in question, if not now recognised and recorded, would be lost to the possessors of them for ever; for it is part of the plan of the Chief Commissioner, that no rights not entered in the settlement record now being made, shall at any time hereafter be recognised in Oude, except such as may hereafter accrue, and that the civil courts of judicature there shall be debarred by legislative enactment from taking cognizance of claims to them which existed, and were not preferred at the settlement. If, therefore, the government of Sir John Lawrence had not taken some such measure as that which has been adopted, the declared intentions of Lord Canning to maintain the just rights of all holding under the talooqdars, and to protect "the humbler classes," would have been in danger of being frustrated for ever. The interests at stake are those of thousands. I have no doubt, in reference to his Lordship's own declarations, that had he known what is now known by the Government of India, he would have taken very much the course which they have pursued. The measure in question in no way affects the full proprietary right bestowed by Lord Canning on the talooqdars; by it the superior position of the influential aristocracy, which his Lordship desired to foster, will remain uninjured and untouched, while the rights of the "humbler occupants," which he purposed to preserve, will be secured to those classes in subordination to their proprietary landlords.

(signed) *F. Currie.*

2 March 1865.

OPINION recorded by Captain *Eastwick.*

1. I DESIRE to record my reasons for supporting the despatch relating to the important question of the land tenures in Oude.

2. Because I consider, that in restoring the ancient talookdaree tenure in Oude, it was Lord Canning's intention to protect all the subordinate rights in the land, and that hereditary rights of occupancy come within this category.

Because, in my opinion, there is sufficient evidence in the correspondence to show, that these rights exist in Oude, as they have been proved to exist in the neighbouring provinces, and in other parts of India.

Because, owing to the hasty manner in which the settlements were made, and to the belief by the settlement officers that they were precluded by the rules laid down for their guidance from entertaining claims to rights of occupancy, there has never hitherto been any satisfactory inquiry into the existence and extent of these rights.

Because such an inquiry is in accordance with the spirit of the Despatches of the Secretary of State in Council, by which the policy of protecting all under tenures, and all subordinate rights and interests in the soil, is specially enjoined.

3. In his Despatch of the 17th June 1858, Lord Canning writes, the talookdars "had as a body risen in arms against us, and helped to subvert our authority;" to have conceded to them "rights which had been denied, and in most cases justly denied, when our power was unquestioned and unresisted, would have been to concede a victory to rebels, and to put a premium on insurrection."

4. It was not, therefore, from a sense of obligation to the talookdars themselves, nor from any misgiving as to the power of the British Government to enforce any particular line of policy, that Lord Canning determined to restore the talookdaree tenure; it was because he saw clearly the mistake that had been committed in the previous settlement, in ignoring a tenure which was in accordance with the traditions and feelings of the people of Oude, and because he believed that the maintenance of a territorial aristocracy in India, wherever it still existed, was an object of high political importance.

5. Lord

5. Lord Canning was well aware of the general character of the old talookdaree system in Oude. The following is his description of the talookdars :

"Some had received titles from the kings of Oude for services rendered, or by Court favour; some few are the representatives of ancient families; but the majority are men distinguished neither by birth, good service, nor connection with the soil, who, having held office under the native government, as nazims (*i. e.* governors) or chuckladars (*i. e.* collectors of government rents), or having farmed the revenues of extensive tracts, had taken advantage of the weakness of the native government, and its indifference to all considerations of justice, so long as it received revenue, had abused the authority confided to them by that government, and by means of deeds of sale, sometimes extorted by violence, sometimes obtained by fraud, had become the nominal proprietors and the actual possessors of the villages which formed what they called their talookdas or estates."

Paragraphs 24, 25,
Despatch No. 1954,
19 April 1858.

"Owing to the ascendancy which men of this class acquired, the weakness of the native government, the venality of the courts, and the absence of justice, the condition of the actual occupants of the soil of the province, was one of unparalleled depression; their rights had ceased to exist, or were reduced to a mere shadow, they could get no protection from the government, they were completely in the power of the talookdars, and were subject to every kind of oppression, tyranny, and exaction."

6. With facts before him of a nature to lead to the record of these strong opinions regarding the talookdars, it is impossible to believe that Lord Canning would sacrifice the weak to the strong, or sanction any policy which would tend to perpetuate the evils he felt it his duty to denounce in such severe language; and we therefore find that he expressly states that he took care that the system should be "modified, and much guarded from abuse, by the terms in which the new grants of their talookas have been made to the talookdars and their heirs."

Despatch, 25 Nov.
1859, No. 13, to
Secretary of State.

7. This question of "guarding the under tenantry and cultivators from oppression" was not a new question; it must have been more or less familiar to Lord Canning's mind, as to every one entrusted with the responsibility of governing India. The celebrated measure of Lord Cornwallis has had its defenders, but the majority of Indian revenue authorities have concurred in the opinion that a great error was committed in leaving the peasantry so much at the mercy of the zemindar. The Court of Directors "lament that the objects of the permanent settlement, in so far as regards the security and happiness of the most numerous and industrious class of the community, have hitherto been so imperfectly attained, that instead of maintaining their rights we have not ascertained what they are."

8. Legislation was employed from time to time in devising remedial measures, and nothing could more strongly show the prevailing feeling, than the settlement of the North Western Provinces, which was carried to the opposite extreme, and the defects of which, reproduced in an exaggerated form in the first settlement in Oude, were brought so prominently to Lord Canning's notice, during the convulsion which occurred at the commencement of his government.

9. These considerations will explain Lord Canning's desire to take a middle course. His aim was, as he himself expressed it, to preserve and encourage the great families of the soil, but at the same time to protect the rights and interests of the humbler classes, and he was especially careful to provide for their protection in the sunnuds which he caused to be issued to the talookdars.

10. An attentive perusal of the correspondence connected with the issuing of the sunnuds will demonstrate, that this latter point was one on which Lord Canning particularly insisted. The Chief Commissioner was opposed to the maintenance of a certain class of subordinate rights, viz., those of prescription, however sanctioned by time and usage. He writes thus:—"In contradistinction to the principle of Act X. of 1859, the rule introduced into this province is, that simple occupancy for any length of time confers no right."

11. In accordance with this view, when Lord Canning informs Mr. Wingfield, that, "the permanent hereditary and transferable proprietary right in the talooka" is conceded to the talookdars, but that this "right is subject to any measures which the Government may think proper to take for the purpose of protecting the inferior zemindars and village occupants from extortion, and of

10 October 1859.

upholding their rights in the soil, in subordination to the talookdar," Mr. Wingfield remonstrates against the principle laid down in the latter paragraph.

15 October 1859. 19 October 1859. 5th paragraph. 12. Lord Canning, however, does not swerve from his own views, but reiterates the principle, as embodied in one of the conditions of the sunnud, that, "all persons holding an interest in the land under the talookdars will be secured in the possession of the subordinate rights which they have heretofore enjoyed," and goes on to say, "this being the position in which the talookdars will be placed, they cannot, with any show of reason, complain, if the Government takes effectual steps to re-establish and maintain, in subordination to them, the former rights, as these existed in 1855, of other persons whose connection with the soil is in many cases more intimate and more ancient than theirs."

13. As a further proof of the fixed determination of Lord Canning to protect all the holders of subordinate rights, reference may be made to Letter, No. 4060, dated 12th September 1860. The Officiating Chief Commissioner ruled, that in confiscated estates all subordinate rights had been obliterated by the act of confiscation. The Governor General refused to sanction this ruling, and declared that it never was intended that the holders of subordinate rights, "though themselves not persisting in rebellion, should be merged in the consequences of the talookdars' guilt."

14. The best interpretation, however, of Lord Canning's policy is to be found in the terms of the sunnuds themselves. It is a fundamental principle of a treaty, and of all similar documents in their various degrees of importance, in which may be included sunnuds, that they are self contained, that we must look to the plain and obvious meaning of the words used, and construe them accordingly. The sunnuds declare that "the full proprietary right, title, and possession of their estates is granted to the talookdars and their heirs for ever;" at the same time a condition of the grant is, that "all holding under you shall be secured in the possession of all the subordinate rights they formerly enjoyed."

Letter, No. 635,
2 March 1864. 15. This language is too comprehensive to be explained away, and Mr. Wingfield, and the talookdars themselves admit that it covers all existing rights, and that the pledges of Lord Canning will not be infringed unless new rights are created. The Chief Commissioner states, "Talookdars cannot (and will not) complain, if ryots are protected in any rights they may be found to possess." Further than this the Government of India have no wish to proceed. "The Governor General in Council has no desire to trench on the just rights of the talookdars, founded on the sunnuds they received from the British Government, but on the other hand he is opposed to any rules whereby the rights of the subordinate proprietors, or tenants of the soil, shall be destroyed, or even damaged."

Para. 6, Letter,
No. 65, 17 Feb.
1864.

16. Mr. Wingfield affirms that a class of these subordinate rights, viz "rights of occupancy," have never, in theory or practice, existed in Oude, and further states that they had no better foundation in the North Western Provinces, but that, under the influence of a strong reaction against the principles of the permanent settlement, they had been created by ourselves.

17. It may be observed that the most eminent Indian statesmen accept the fact of the existence of hereditary rights of occupancy generally throughout India. It would occupy too much space to quote the opinions of Lord Metcalfe and others; but it may be as well to show the distinction drawn by Mr. Elphinstone between permanent and temporary ryots.

"The permanent ryots are those who cultivate the lands of the village where they reside, retain them during their lives, and transmit them to their children."

"Many are of opinion that they are the real proprietors of the soil, while others regard them as mere tenants-at-will. All, however, are agreed within certain limits; all acknowledging, on the one hand, that they have some claim to occupancy, and on the other, that they have no right to sell the land."

In a note, Mr. Elphinstone says, "In Hindostan there appears to be a feeling that they are entitled to hereditary occupancy, and that their rents ought not to be raised above those usual in the neighbourhood."

Mr. Currie, in his able memorandum, quotes a subsequent portion of this note,

note, in support of his own views; but a careful perusal of the text and notes will, it appears to me, clearly show that Mr. Elphinstone's high authority is against Mr. Currie, and in favour of hereditary rights of occupancy.

18. It is not necessary to argue the question of the existence of these rights in the North-West Provinces, but from the fact that they were found there in many districts which formerly belonged to Oude, and that on both sides of the Ganges the population is composed of the same classes, who speak dialects of the same language, their tenures being identical, and the nature of the country and agricultural usages similar, a strong presumption is afforded that these rights existed also in Oude.

Letter of Government of India,
4 February 1856.

19. Mr. Campbell, the Judicial Commissioner in Oude, states this to be the case: "It appears then to be generally understood that though there were in Oude no cultivators at actual fixed rates, there certainly were cultivators possessing a right of occupancy, and liable to regulated rates, by which rights they were distinguished from tenants at will." Again, "This, I think, is undoubted, that, as said by Mr Yule, there was a strong right of occupancy on the part of the ancient cultivators of the soil."

Report, 28 April
1862.

20. In regard to the evidence of the settlement officers, it will be sufficient to direct attention to their various letters, too long to quote. Mr. Capper, Settlement Officer of Lucknow, paragraphs 2, 3, 10, 12 of letter, dated 10th August 1863, No. 195. Mr. King, letter No. 1552, June 1863, paragraph 75, &c. Mr. Oldham, Officiating Deputy Commissioner, Sultanpore, paragraphs 7, 8 of letter No. 449, 18th September 1863. Commissioner, Khyrabad Division, paragraphs 5, 7 of letter No. 370, 28th October 1863. Mr. Simson, paragraph 4 of letter No. 1265, 1st October 1863. Mr. Tucker, letter No. 303, 31st October, 1862.

21. Sir Charles Trevelyan considers "that the settlement officers in Oude have under every disadvantage said enough to show that the prevailing impression among them is that such rights do exist."

22. Mr. Grey, on the contrary, thinks that "the reports of the settlement officers, instead of proving tenant rights to exist, rather discredit that theory than establish it," and yet Mr. Grey subsequently quotes Mr. Wingfield's view, that "Though there are no cultivators in Oude entitled to hold at fixed rates, there are cultivators with rights of occupancy, but this right does not restrict the landlord from raising the rent after due warning, if other cultivators are ready to give more for the land than the present occupant pays, and if it is a fair rent, and not an excessive one run up merely to oust him."

Letter of Mr. Wingfield, No. 3136, 15 Dec. 1862.

This appears to me to give up the main question in dispute, and to admit that rights between the talookdar and tenant at will do exist in Oude.

23. Mr. Wingfield's instructions laid down the principle that no distinction was to be made in the records between cultivators at fixed rates and cultivators at will. At the period of the issue of these instructions, Mr. Wingfield himself believed in the existence of rights of occupancy, and based his decision solely on grounds of policy. He subsequently changed his opinion as to the existence of these rights.

7 September 1860.

Letter, 26 March 1864, No. 932.

24. These instructions of the Chief Commissioner, as the Viceroy observes, "no doubt deterred many people from asserting their claims, and led the settlement officers to refuse a hearing to those which have been preferred." This is confirmed by Mr. Campbell: "I can positively assert that all the local officers understand the instructions in the sense that there is to be no record of what are called in other provinces 'mouroosee,' or ancient cultivators."

Report, 28 April 1862.

25. The settlement officer of Oonao writes, "As people know that claims to rights of occupancy are not allowed in Oude, such claims are not advanced, except under the head of proprietary under-right." Captain Boulderson, assistant settlement officer, states that he discouraged these applications, as he was precluded from entertaining them by the local rules, and it would have been "refined cruelty to encourage false hopes."

Letter, No. 272, 27 July 1863.

26. Under all these circumstances it is clear that no proper means were afforded to the holders of these rights to bring forward their claims, and that hitherto no satisfactory inquiry has been made into their existence and extent.

27. It remains to show that such an inquiry is in accordance with the spirit of the Despatches of the Secretary of State in Council, and that in approving Lord Canning's policy of restoring the talookdaree tenure in Oude, the Secretary of State specially enjoined that the holders of all subordinate rights in the land should be protected.

Paragraph 7.

28. In the Despatch of 24th April 1860, the Secretary of State asks, "What was the nature of the investigation which was made into the conflicting claims of the talookdars and the ancient village proprietors, the parties whom the present Chief Commissioner, Mr. Wingfield, himself admits, were the real owners of the lands?" And the Secretary of State goes on to say, "The period during which these settlements were in operation could not have occupied many months; Major Barrow states that they only began in November and December 1858, and he was writing in June; much of the country was scarcely, during the settlement, wholly free from the influence of the mutineers. Under such circumstances, no really satisfactory inquiry into such intricate matters as disputed landed tenures could have been effected." Looking to the results so entirely favourable to the talookdars, "it is questionable whether it would not have been expedient to have paused and given time to the village proprietary to make known their claims." If the claims of the talookdars were just and right, their interests would not have suffered, "while the Government would have had the satisfaction of knowing that substantial justice had been done."

29. This is the real point of importance. The British Government is bound to hold the scales equally, and to take care that substantial justice is done to all classes of its subjects. It is impossible to affirm that any satisfactory inquiry has been made. Did hereditary tenants, with beneficial rights of occupancy, formerly exist in Oude? If so, what was the exact nature of their rights? How far had these rights fallen into abeyance during the years of anarchy and lawlessness that preceded annexation? To what extent did they exist at that period? These questions can only be satisfactorily cleared up by investigation. If conducted with tact and judgment, the inquiry can be carried on without creating any undue alarm in the minds of the talookdars; it is only necessary to read the proceedings of their great meeting at Lucknow, on the 30th December 1864, to feel assured that they perfectly understand the questions at issue, and their own relative position with the British Government.

Paragraph 8, letter
No. 33, 24 April
1860.

Mr. Wingfield's
letter, No. 635,
2 March 1864.

30. In conclusion, I would draw attention to the injunctions of the Secretary of State as to the protection of the holders of subordinate rights in the soil. It is truly said by Sir C. Wood, that "there is nothing in the East to which the people are more thoroughly attached than to their rights in the soil: if left to themselves public opinion would advocate the restoration of lands which have long been lost to a family." Mr. Wingfield admits that "the terms of this letter are sufficiently comprehensive to embrace every form of interest in the land."

31. It will be sufficient to quote two paragraphs. Paragraph 11 runs thus:—"You were quite right in rejecting at once the proposition of the Chief Commissioner that all under-tenures should be abandoned to the mercy of the talookdars, and I observe, from your Lordship's more recent proceedings, that the engagements into which you have entered with the talookdars provide for the protection of the under-proprietors; and then, when a regular settlement is made, in all cases where there is an intermediate interest in the soil, between the talookdar and the ryot, the amount or proportion payable by the intermediate or subordinate holder to the talookdar will be fixed and recorded after careful and detailed survey. I consider that on a careful adherence to this rule must now mainly depend the maintenance of the rights of the village communities."

32. Paragraph 17 contains an expression which seems to me peculiarly important, as evidencing the intention of the Secretary of State "to embrace every form of interest in the land." In sanctioning the arrangement made for transferring certain estates to the proprietorship of European gentlemen, the Secretary

of

of State enjoins "that care should be taken to record and guard the prescriptive rights of other classes in such cases, with as much caution as in the lands of native talookdars."

33. In a subsequent Despatch the same policy is enjoined in paragraph 9. It is not requisite to quote it at length, but attention may be directed to a circular there alluded to, styled the "Record of Rights," which had not then reached, the Secretary of State officially, but was given to him by Mr. Wingfield. This document never received the sanction of the Secretary of State, and an undue importance seems to be attached to it when it is placed on the same footing as the sunnud issued by the Governor General, which may be considered as the Magna Charta of the rights and interests both of the talookdars and of the subordinate holders of the soil. No. 105, 17 Aug. 1861.

34. The Record of Rights was merely a circular from the Chief Commissioner to his settlement officers, and was generally sanctioned by the Governor General. Subsequently to its issue by Mr. Wingfield, his successor, Mr. Yule is stated to have laid down, under date 12th February 1862, different principles in his instructions on the very points now under discussion. The Commissioner of Baiswara states that he understood Mr. Yule's instructions to be, "that Government had not ignored the rights of occupancy enjoyed by cultivators, that it had not authorised their being rackrented or ousted at the will of the proprietor. That by para. 16 of Circular B, of 7th October last, it had declared that cultivators are entitled to hold their ancestral fields at fair rates, and that in cases of dispute regarding what is a fair rate the district officer was to arbitrate." Mr. Yule was also understood to direct "that settlement officers should be guided by the spirit of Act X. of 1859, in dealing with questions regarding tenant rights."

35. It would thus appear that there was an important difference in the interpretation of the policy of Government by Mr. Wingfield, and by Mr. Yule. If this be so, it is clear that the argument against the present measures, on the ground of the injustice done to the talookdars by the reversal of a policy pursued for five years, cannot be maintained.

36. In a letter received through the Government of India the Chief Commissioner of Oude states, that "a modified right to occupancy is allowed here to all, that is, the right of a cultivator who has long occupied the same land to retain it in preference to anyone else, provided he gives a fair rent." In reply, the Secretary of State remarks, "The important question as to the rights of tenants in Oude to cultivate at fixed rates will no doubt be further reported on by the Chief Commissioner, as the settlement now in progress proceeds." This last extract appears to me to throw light on previous Despatches, and to show that the rights of cultivators were not to be overlooked. 8 May 1865, No. 5.

37. Upon all these grounds, therefore, I consider that Sir John Lawrence is perfectly justified in stating that in his present measures he is only providing for "the expansion of Lord Canning's policy to its legitimate dimensions," and that he is acting in accordance with the spirit of the instructions of the Secretary of State.

(signed) *William J. Eastwick.*

India Office, 2 March 1865.

EAST INDIA (PUBLIC WORKS).

RETURN to an Address of the Honourable The House of Commons,
dated 2 June 1865;—for,

“COPY of the LETTER from the Government of *India* in the Public Works Department, dated the 6th day of January 1865, No. 3; LETTER from the Government of *India* in the Financial Department, dated the 12th day of January 1865, No. 10; LETTER from the Government of *India* in the Financial Department, dated the 6th day of April 1865, No. 66; LETTER from the Government of *India* in the Separate Revenue Department, dated the 8th day of April 1865, No. 13; LETTER from the Government of *India* in the Separate Revenue Department, dated the 17th day of April 1865, No. 14; and, of the DESPATCH to the Government of *India* in the Financial Department, dated the 9th day of May 1865, No. 114; on the subject of the Financial Measures to be adopted in *India* in the year 1865–66; the provision of funds for PUBLIC WORKS; together with the MINUTES of the Governor General, Sir *Charles Trevelyan*, Mr. *Taylor*, Mr. *Harington*, and Mr. *Grey*, relating thereto.”

India Office, }
5 June 1865. }

T. L. SECCOMBE,
Secretary, Financial Department.

(*Mr. Crawford.*)

Ordered, by The House of Commons, to be Printed,
9 June 1865.

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— No. 1. —

(Military Works.)

The Governor General of India in Council to the Secretary of State for India.

Public Works Department, Fort William,
6 January 1865 (No. 3).

Sir,

WE have the honour to forward for your information two important resolutions of the Government of India, one relating to the distribution of the Public Works Grants for the coming year, and the other to the provision of funds for the new works which will be required to complete the housing of the European troops, according to the present greatly improved standard of barrack buildings.

2. The subject of the provision of funds for the new military works, which the Government has before it, is so closely connected with that of the amount of the grants that should be given for works of other classes, that the consideration of the two questions must in a measure go together. We feel the very great importance of the interests at stake in our decision on the amount of the grants made for the several classes of public works usually dealt with in this department of the administration, and we trust that our conclusions may meet with the approval of Her Majesty's Government.

3. While we must admit the paramount necessity for making the requisite provision for the barracks of the European troops, and for the military works, the construction of which the security of the British possessions renders imperative, we are not less bound to make proper allowance for the wants of the civil administration. The due appreciation of the demands of sanitary science, which has led to improved systems of barrack construction for our European army, equally brings in its train the necessity for suitable improvements in our gaols, in which the mortality, in some measure at all events due to want of proper space, has been very excessive.

4. The progress of railway construction continues to demand a large expenditure for the construction of roads by which the traffic of the country may be more freely brought on to the great lines of communication.

5. The recurrence of seasons of drought in various provinces reminds us of the vast importance of extending and improving the irrigation works, by help of which alone this scourge of our Indian dominions can be alleviated. We purpose shortly to address you more at length on this subject, but meanwhile

we refer to this class of works as among those for which grants of public money are very urgently required.

6. On the whole, we have adopted the conclusion that it will be desirable to regard two millions sterling as the amount which for the present may be assigned as the annual grant for works of public improvement, besides 650,000 *l.* for civil buildings and 800,000 *l.* for establishments, or 3,450,000 *l.* in all.

7. For the new military works; you will see, we calculate that a sum of about 10 millions sterling will be required during the next four or five years. Assuming that the general surplus available to be applied to public works proper remains at 4½ millions, three or four millions of the 10 millions may be obtained from the ordinary income, leaving a balance of six or seven millions to be specially provided for. On this point you will be separately addressed from the Financial Department.

8. For further particulars on the subjects referred to, we beg to request your attention to the enclosures of this Despatch.

We have, &c.

J. Lawrence.
Robt. Napier.
H. S. Maine.
H. B. Harington.
C. E. Trevelyan.
W. Grey.

Enclosure 1 in No. 1.

Circular No. 2, of 1865.—Public Works.

From Colonel *R. Strachey*, R. E., Secretary to the Government of India.

Public Works Department, Fort William,
 6 January 1865.

Public Works Budget Grants for 1865–66.

IN announcing to local Governments and Administrations the distribution of the Public Works Budget grants for 1865–66, which has been determined upon by the Government of India, the Governor General in Council desires to state briefly the considerations upon which the general estimate has been framed, and apportioned among the different services which have to be provided for from it, and also those upon which the distribution of the total grant has been made among the different Provinces which have to share in the grant.

2. It may first be useful to refer to the amounts of the grants given during the last six years. Exclusive of the allotments for State expenditure on guaranteed enterprise, they have been in round numbers as follows:—

												<i>Lakhs.</i>
1859–60	-	-	-	-	-	-	-	-	-	-	-	368
1860–61	-	-	-	-	-	-	-	-	-	-	-	337
1861–62	-	-	-	-	-	-	-	-	-	-	-	342
1862–63	-	-	-	-	-	-	-	-	-	-	-	365
1863–64	(grant made at commencement of year)	-	-	-	-	-	-	-	-	-	-	413
1863–64	(including grants made during the year)	-	-	-	-	-	-	-	-	-	-	451
1864–65	(original grant at commencement of year)	-	-	-	-	-	-	-	-	-	-	433

3. An addition of 15 lakhs* has also been made during the current year to the grant entered above; and a further addition of 15 lakhs to Bengal, of 2 lakhs to Madras, and 1½ lakhs to the Central Provinces has been recommended to the Financial Department.

4. The above figures do not include the funds granted from the proceeds of land sales at Bombay, which, though brought within the scope of the budget estimate and orders financially, are dealt with in a special manner; and it will therefore be understood that the present observations and orders do not affect the application of this fund.

5. The Governor General in Council has resolved, in the Financial Department, that the total Public Works grants for the coming year shall be taken at 470 lakhs (of which 70 lakhs is to be regarded as a special grant for new military buildings), or 37 lakhs in excess of the grant made at the commencement of the current year, and 7 lakhs in excess of

	<i>Lakhs.</i>
*To Bombay	- 10
„ Bengal	- 1½
„ Hyderabad	- 1½
„ British Burmah	- 2
	15

of the probable final grant as detailed above; this sum being exclusive of the State expenditure for railways.

6. The first point to be considered is the distribution of the total grant among the main classes of expenditure which have to be provided for, viz., Military Works, Civil Buildings, Establishments, and Works of Public Improvement. The distribution of the grant for the current year among these heads, including the charge for establishments, was given approximately in Sir C. Trevelyan's Financial Statement, as follows:—

	<i>Lakhs.</i>
Ordinary military works - - - - -	65
New ditto - - - - -	30
Civil buildings - - - - -	57
Works of public improvement - - - - -	281
TOTAL - - -	433

And the grants, as finally made upon a detailed review of the provincial estimates, and with the charges for establishments separated, were actually as follows:—

	<i>Lakhs.</i>
Military works, including the special grant of 30 lakhs - -	85
Civil buildings - - - - -	58
Establishments - - - - -	79
Works of public improvement, and cost of stores from London	211
TOTAL - - -	433

7. In making the corresponding apportionment of the funds provided for the coming year, the Governor General in Council finds that the position of the Government, as regards one of the great heads of charge, has become much altered since the last distribution took place. The determination of the exact distribution of the European army to be maintained in India, and of the character of the standard designs for barrack buildings, questions which have been for some time under the consideration of the Government of India, have now been so far definitively disposed of as to admit of the immediate commencement of new barracks at many stations of the army. It may be expected that an outlay of from eight to ten millions sterling (including the cost of establishment) will be required to carry out a complete system of improved barrack accommodation throughout India, allowing for the construction of entirely new barracks at some stations, for the improvement of existing buildings at others, and for the provision of miscellaneous works in connection with them. Obviously, these works should be constructed in the shortest possible time, and progress should be limited only by the power of the executive officers to provide the required labour and building materials, and to furnish the necessary detailed plans and estimates, based upon the standard designs which have been adopted by the Government of India for general use. The Government of India is therefore prepared to supply funds for new military buildings to such extent and as fast as may be required until the works are completed.

8. The special grant for this object for 1865-66 will be 70 lakhs, whereby the total grant for military works of every kind will be increased from 85 lakhs for 1864-65 to 125 lakhs for 1865-66.

9. On a review of the best information available as to the facts bearing on the case, this sum has been distributed as below among the different local Governments and Administrations:—

	<i>Lakhs.</i>
Madras - - - - -	16
Bombay - - - - -	23
Bengal - - - - -	6½
North Western Provinces - - - - -	26
Punjab - - - - -	22
Oudh - - - - -	4½
Central Provinces - - - - -	7
British Burmah - - - - -	7
Hyderabad - - - - -	6
Straits Settlements - - - - -	½
Rajpootana and Central India - - - - -	6½
Coorg - - - - -	—
TOTAL - - -	125

10. Passing to the head "Civil Buildings," the Governor General in Council observes that here too an increased expenditure must be looked for during the coming year, chiefly on account of gaols in Bengal, Oudh, the Central Provinces, Berar, and British Burmah (Port Blair). There will also be a considerable expenditure in Bengal for the new High

Court at Calcutta. In other provinces also there are many heavy calls for civil buildings. The estimated outlay on gaols during the current year is as much as eight lakhs, and the Governor General in Council considers that in 1865-66 not less than 15 lakhs should be provided; and, as no reduction of charges can be looked for under the general items of civil buildings, this part of the estimate cannot safely be taken at less than seven lakhs in excess of the estimate for 1864-65, or 65 lakhs in all, which may be thus distributed:—

	1864-65.	1865-66.
	<i>Lakhs.</i>	<i>Lakhs.</i>
Madras - - - - -	9½	9½
Bombay - - - - -	6½	6½
Bengal - - - - -	13½	17½
N. W. Provinces - - - - -	9	10
Punjab - - - - -	5½	5
Oudh - - - - -	3	3
Central Provinces - - - - -	2¾	4
B. Burmah (including Port Blair) - - -	4¾	7½
Hyderabad - - - - -	¾	1½
Straits Settlements - - - - -	1	¾
Rajpootana and C. India } - - - - -	1¾	—
Coorg - - - - -		
TOTAL - - -	58	65

11. It may be remarked here that the special fund derived from the sale of lands at Bombay will provide the means for constructing the civil buildings in that city, which elsewhere require grants from the general revenues.

12. The establishment charges may be taken at 80 lakhs against 79 lakhs during the current year.

The total estimate would therefore stand thus:—

	<i>Lakhs.</i>
Military works - - - - -	125
Civil buildings - - - - -	65
Establishments - - - - -	80
Balance available for works of public improvement - - -	200
TOTAL - - -	470

13. The grant for works of public improvement for the current year was 211 lakhs, so that there will be a reduction of 11 lakhs, of which eight lakhs will be due to the increased grants of seven lakhs under "Civil Buildings" and one lakh under "Establishments," and three lakhs to a reduction of the total "Public Works" grant, exclusive of the part devoted to "Military Works."

14. Having given careful consideration to the claims of the different parts of India to share in this grant, their wants, and the present state of the works in progress, and having regard especially to the fact that any fluctuations in the rate of outlay in each province should be made as gradual as possible from one year to another, the Governor General in Council has determined to distribute the available sum as follows:—

	<i>Lakhs.</i>		<i>Lakhs.</i>
Madras - - - - -	32	British Burmah - - - - -	8
Bombay - - - - -	41½	Hyderabad - - - - -	3½
Bengal - - - - -	32½	Straits Settlements - - - - -	1½
North Western Provinces - - - - -	31	Rajpootana Circle - - - - -	5½
Punjab - - - - -	21	Coorg - - - - -	½
Oudh - - - - -	9		
Central Provinces - - - - -	14	TOTAL - - -	200

15. In making this announcement, the Governor General in Council desires it may be understood that the distribution is final, and must be made to suffice for all wants likely to occur during the year. Owing to the large increase given, 37 lakhs, above the total grant of last year, it will be necessary to discontinue the practice of making extra grants during the course of the year, excepting under circumstances of a really extraordinary nature, and therefore all urgent wants not provided for in the Budget Estimate will have to be met by reductions of the appropriations made for some less urgent works.

16. Further, his Excellency in Council observes that, although the increase in the grant now sanctioned for 1865-66, over that given in 1864-65, is mainly due to the ascertained

ascertained requirements of the military and civil administration, yet the grant provides also for maintaining the expenditure for the prosecution of works of public improvement almost at the present high rate. It must, however, be understood that the Government of India may not be prepared to maintain for a longer period than the coming year what must be held to be an exceptionally high rate of expenditure; and that all proposals for beginning any new projects will be closely scrutinised when the Budget Estimates come under review, and that any which do not appear of sufficient importance to be entertained at present are liable to be struck out of the Estimates, *a corresponding reduction being made of the total Budget grant of the province concerned.* The local Governments will perceive that, in the face of the large extraordinary outlay required for completing the barracks for European troops, it will become the duty of the Government of India to restrain to some extent the expenditure on works of improvement, which has been so largely increased during the last two years. Irrespective of the financial aspect of the question, the provision of the needful establishments for supervising the military works will almost certainly call for some transfer of officers from the works of public improvement to the military buildings, and a corresponding temporary suspension of the former. It will continue to be the earnest desire of the Government of India to appropriate as large a sum as possible to works of improvement; but it is proper at the present time to draw attention to the facts now stated, and to the possible reduction for a time of the grants for works of public improvement until the more pressing requirements for military buildings are disposed of.

17. The Governor General in Council takes this opportunity of stating that the Secretary of State for India has ruled that in future no work estimated to exceed 10,000 rupees in cost, which has not been entered and passed in the Budget Estimate, can be undertaken without the previous approval of the Government of India. This rule will call for additional care in the preparation of the estimates, and the Government of India, under the circumstances just recited, will, for the present, continue to watch carefully all proposals to put in hand new works, until it is satisfied that the rate of public works expenditure has been brought within those limits which are suited to the financial requirements of the State.

18. Before leaving this subject, the Governor General in Council also wishes to state in general terms that the Government of India have had for some time under consideration the question whether the general revenues of India should not be relieved of a part of the charges now borne against the Public Works Estimates, which may reasonably be transferred elsewhere. The charges for repairs of roads may especially be referred to. These are, of course, increasing year by year, as new lines of road are completed and have to be maintained, and in some provinces they already form a large proportion of the total expenditure on works of public improvement. At the present rate of progress, the time must soon come when the Government will find considerable difficulty in continuing the present large grants from the Imperial revenues for the construction of new roads, unless some means be found for meeting the charges for the maintenance of those already constructed; and the question of providing for these charges by the imposition of new, or the increase of existing local cesses, may usefully be taken at once into consideration by local Governments and administrations.

19. The total grants for 1865-66, excluding those for State expenditure on guaranteed railways, will be as follows:—

	Lakhs.		Lakhs.
Madras - - - - -	70½	British Burmah - - - -	25½
Bombay - - - - -	86	Hyderabad - - - - -	12½
Bengal - - - - -	68	Straits Settlements - - -	3½
North Western Provinces -	80½	Rajpootana and Central India -	13½
Punjab - - - - -	60	Coorg - - - - -	1
Oudh - - - - -	19½		
Central Provinces - - - -	30	TOTAL - - - - -	470

20. The table attached contains an abstract of the figures which have been referred to in this resolution. The Budget Estimate should now be framed in accordance with it, the following conditions being understood:—

- 1st. That the part of the estimate of each province devoted to military works must be considered to be fixed, so far that it is not available for increasing the other parts, although, if not required in full, it may be reduced, a corresponding reduction being made in the total of the estimate.
- 2d. That the sums indicated for civil buildings, works of public improvement, and establishment, are only approximately stated, and are liable to variation at the discretion of the local Government when the detailed estimate is framed; it being understood that all necessary civil buildings have to be properly provided for, especially all needful charges for the improvement of gaols, and that the aggregate of the three items is not to exceed the sum herein assigned.
- 3d. That the grant for works of public improvement includes all provision for land required for public works, and all State expenditure on guaranteed irrigation works,

works, and railways not guaranteed, and the value of all stores to be supplied on indent from London.

- 4th. That the State expenditure for guaranteed railways is to be in addition to the grants now assigned; the estimate for each local Government being framed as usual on the actual requirements of the year, and according to the new form of Budget Estimate.
- 5th. That the grant to Bombay to be met from the land sales fund will be additional to the grant now allotted to that presidency, and will be added in the Budget Estimate when it is prepared.

R. Strachey, Colonel, Royal Engineers,
Secretary to the Government of India.

E. C. S. Williams, Captain, Royal Engineers,
Under Secretary to the Government of India.

ABSTRACT of Public Works Grants for 1865-66, excluding State Expenditure on Guaranteed Railways.

	Military Works (Fixed Grant).	Civil Buildings (Ap- proximate).	Establish- ment (Approxi- mate).	Works of Public Im- provement (Approximate).	Total Grant, 1865-66 (Fixed).
	Lakhs.	Lakhs.	Lakhs.	Lakhs.	Lakhs.
Madras - - - - -	16 $\frac{1}{4}$	9 $\frac{1}{2}$	13	32	70 $\frac{1}{2}$
Bombay - - - - -	23	6 $\frac{1}{2}$	15	41 $\frac{1}{2}$	86
Bengal - - - - -	6 $\frac{1}{2}$	17 $\frac{1}{2}$	11 $\frac{1}{2}$	32 $\frac{1}{2}$	68
North Western Provinces - - - - -	26	10	13 $\frac{1}{4}$	31	80 $\frac{1}{4}$
Punjab - - - - -	22	5	12	21	60
Oudh - - - - -	4 $\frac{1}{2}$	3	3	9	19 $\frac{1}{2}$
Central Provinces - - - - -	7	4	5	14	30
British Burmah - - - - -	7	7 $\frac{1}{2}$	3 $\frac{1}{4}$	8	25 $\frac{3}{4}$
Hyderabad - - - - -	6 $\frac{1}{4}$	1 $\frac{1}{4}$	1 $\frac{1}{2}$	3 $\frac{1}{2}$	12 $\frac{1}{4}$
Straits Settlements - - - - -	1 $\frac{1}{2}$	2 $\frac{1}{4}$	3 $\frac{1}{4}$	1 $\frac{1}{4}$	3 $\frac{1}{2}$
Rajpootana and Central India * - - - - -	6 $\frac{1}{2}$	-	1 $\frac{1}{4}$	5 $\frac{1}{2}$	13 $\frac{1}{4}$
Coorg - - - - -	-	-	2 $\frac{1}{2}$	2 $\frac{1}{2}$	1
TOTAL - - - - -	125†	65	80	200	470

† *Sic in orig.*

* The large grant to Rajpootana and Central India is due to the transfer from the Bombay Presidency of the military works at the stations of Mhow, Nusseerabad, and Neemuch; a division of the Agra and Bombay road, and sundry other civil works.

Enclosure 2 in No. 1.

(Military Works.)

PROCEEDINGS of the Governor General of India in Council.

Public Works Department, Fort William,
6 January 1865.

Provision of Funds for Military Buildings required for European Troops.

Read—

See p. 13.

Memorandum by Lieutenant Colonel Crommelin on the probable amount required for expenditure on military buildings during the next four years at stations in Provinces under the Public Works administration of the Government of India.

OBSERVATIONS.—The Governor General in Council observes that the preliminary discussions as to the distribution of the European force in India, and as to the general character of the barrack buildings to be provided for them, have now been so far advanced as to make it necessary to prepare for a far more active prosecution of this class of works than has hitherto been possible. Having this in view, Lieutenant Colonel Crommelin was desired to prepare an approximate estimate of the probable expense that must be incurred in completing the barrack accommodation and contingent or subsidiary military works connected with the location of the European troops in the provinces under the Government of India.

2. Lieutenant Colonel Crommelin's memorandum, above noted, furnishes the required information on this subject in the most complete manner possible at the present time. His calculations are, however, exclusively based on a consideration of the requirements for this class of works that have already been specifically recognised by the Government of India; and

and it may be considered as almost certain that other heavy calls, not included in these estimates, will eventually have to be met, before the construction of the military works necessary for the housing of the troops, and the security of the British territory, will be brought to a close. This point will be alluded to again in referring more in detail to the principal heads of the estimated expenditure.

3. Colonel Crommelin has divided the works to be constructed under the following heads, regarding each of which a few remarks may usefully be made :—

1st. Expenditure required for entirely new sets of barrack buildings for European troops at the regular stations of the army, necessitated either in consequence of the formation of new cantonments, or the modification of existing stations.

2d. The expenditure necessary for improving existing sets of buildings for European troops, so as to make them approach the present standard scale of accommodation.

3d. Expenditure required for forming new hill sanitarium for European troops.

4th. Expenditure required for the construction of contemplated fortified posts and places of refuge.

5th. Expenditure required for general works in cantonments, such as roads, churches, water supply, lighting of stations, &c. &c.

6th. Expenditure on account of accommodation for native troops.

7th. Expenditure necessary for providing temporary accommodation for European troops, pending the completion of the permanent buildings.

8th. Expenditure required for provision of officers' quarters.

9th. Expenditure required for Ordnance and Commissariat Departments.

4. First.—*Provision of entirely New Barracks.*—The estimated charge under this head is 3,592,250*l.* Provision is made only for those stations where it is known to be the intention of the Government of India to provide barracks. The contemplated early reduction of two regiments of infantry does not affect these figures. Possibly the reduction of artillery may lead to a small saving as regards that arm, but at the outside it will be limited to quarters for two batteries amounting to 70,000*l.*

5. Second.—*Improving existing Barracks.*—The estimated charge is 1,645,000*l.* This estimate has been based on a detailed review of the known accommodation at all existing stations. It will be observed that it is limited to what is likely to be necessary within the next four years. Thus, no entry is made for any of the stations in Oudh, because it is believed that for the time mentioned the troops will be fairly provided for in the existing buildings, which, as a whole, are much more complete than those in any other Province.

6. It must, however, be added, that there is much reason to think that after that time a sensible expenditure will become necessary for re-constructions at some of the stations; and it is quite possible that, on further inquiry, some of the stations classed under this head may have to be transferred to the first head, and that the provision of entirely new buildings may be found necessary instead of improvements, thereby of course increasing the outlay.

7. Third.—*Hill Sanitaria.*—The provision estimated for is for 2,000 men at a cost of 400,000*l.* This item of the estimate is certainly below the truth in an important degree. It may be generally stated, that, with the exception of the barracks at Kussoowlee, Dugshai, and Subathoo, there are no proper buildings at hill stations for the Bengal Army. The three stations named (when improved as proposed by Colonel Crommelin under the second head) will probably provide for 2,500 men. The present calculation, therefore, is for a total of 4,500 men. It may be reckoned that the total strength of European troops in connection with which the formation of hill sanitarium will be necessary is not under 40,000 men. Provision is thus made for about 11 per cent., which is only one-third of what is recommended by the Royal Sanitary Commission. On the whole, it is not improbable that 800,000*l.*, or even one million sterling, may eventually be found necessary to meet the demands of this character.

8. It may here be remarked, that the provision of hill sanitarium will not in any sensible degree admit of the reduction of expenditure on the barracks in the plains, in which accommodation must clearly be provided for the full strength of regiments. The Government of India still has under consideration the system to be adopted in forming the military sanitary stations in the hills; but it seems most probable that the necessary arrangements will only admit, to a limited extent, of the quartering of complete regiments in the hills, and therefore no sensible relief is likely to be obtained in this direction either.

9. Fourth.—*Fortified Posts.*—The sum set down is 200,000*l.* This is an assumed amount, and is only intended to cover the works expected to be constructed at Peshawur, Rawul Pindee, Mooltan, and Secunderabad. Even for these places the sum is almost certainly too small; and, having regard to the requirements of a like nature that will have to be met elsewhere, it may be safely reckoned that a very much larger charge must eventually be incurred under this head.

10. Fifth.—*General Cantonment Works.*—Estimated at 280,000*l.* The purchase of land, construction of churches, formation of roads, works for drainage, water-supply, lighting

barracks with gas, and similar matters, are classed under this head. The estimate seems moderate.

11. Sixth.—*Accommodation for Native Troops.*—In some places the provision of barracks for native troops will be obligatory, as at Peshawur. This item of charge, which is put down at 200,000*l.*, is in some degree open to doubt; but there is an increasing feeling that the native army generally should be provided with barracks at the public expense, and the item has been allowed to stand as a possible object to be met.

12. Seventh.—*Additional temporary Accommodation for European Troops.*—For this 50,000 *l.* is provided, and this seems a moderate allowance to meet the requirements of the case, pending the construction of the new barracks and the improvement of the old ones.

13. Eighth.—*Officers' Quarters.*—A sum of 150,000*l.*, providing for six regiments, has been entered. In all fortified posts the provision of officers' quarters by the State is essential. In existing cantonments there is no reason for interfering with present arrangements. As regards new cantonments, however, the question arises whether officers' quarters should not be constructed by the Government. This measure has been strongly supported by the military authorities generally, and the Government of India has recorded an opinion that it may, perhaps, be desirable, if it can be done without entailing additional charge. The subject still remains under consideration, and the item has been left in the estimate as a possible addition.

14. Ninth.—*Ordnance and Commissariat Buildings.*—The provision of magazines at some new stations, and the general construction of new or improved bakeries and slaughter-houses at all stations is reckoned at 120,000*l.*, which seems moderate.

15. The following is a recapitulation of the chief items:—

NECESSARY.

	£.
1. New buildings - - - - -	3,592,250
2. Improvements to present barracks - - - - -	1,645,000
3. Hill Sanitaria - - - - -	400,000
4. Fortified posts - - - - -	200,000
5. Cantonment works - - - - -	280,000
7. Temporary accommodation - - - - -	50,000
9. Ordnance and Commissariat - - - - -	120,000
TOTAL - - - - -	£. 6,287,250

POSSIBLE.

6. Native troops - - - - -	200,000
8. Officers' quarters - - - - -	150,000
TOTAL - - - - -	£. 350,000
GRAND TOTAL - - - - -	£. 6,637,250

16. The above, it may be repeated, applies only to the stations under the Public Works

	Batteries	Regiment of Cavalry.	Regiment of Infantry.
GOVERNMENT OF INDIA:—			
Bengal - - - - -	62	7	37
Rajpootana - - - - -	5	1	3
Central Provinces - - - - -	4	0	1
Hyderabad - - - - -	5	1	2
Burmah - - - - -	3	0	2
Straits - - - - -	3	0	0
TOTAL - - - - -	82	9	45
MADRAS PROPER - - - - -	11	2	5
BOMBAY - - - - -	16	1	7
TOTAL MADRAS and BOMBAY - - - - -	27	3	12

Administration of the Government of India. Allowance still has to be made for the wants of the Madras and Bombay Presidencies. The force to be provided for in Madras and Bombay together is about equal to one-third of the force at the stations under the Government of India. (*Vide* margin.) But, as the call for new buildings is believed to apply most strongly to the stations of the Bengal Army in Upper India, it may suffice to reckon the probable charge for Madras and Bombay together at one-fourth of the charge for the rest of the country.

17. In dealing with the requirements of the Bombay Presidency, the cost of the harbour defences, and of the re-construction of the barracks and forts at Bombay, consequent on the removal of the old ramparts, has not been taken into consideration, because it is understood that these charges will be borne by the special fund derived from the sale of land at Bombay. If Her Majesty's Government should not support the views on this point that have been adopted by the Government of India, a large addition will be required to the estimates on account of these works.

18. On the grounds thus stated, the amount to be provided will be raised from 6½ millions to, say, 8½ millions for all India.

19. It

19. It is here necessary to remark, that, under the system of reckoning the cost of works adopted in the Public Works Department, the charge for superintending establishments is excluded from the estimates for the works. The charge for establishments amounts to an addition of about 20 per cent. to the direct outlay. On the whole, therefore, the actual charge on the foregoing assumptions would be brought up to about 10 millions sterling.

20. It should be explained, however, that this supposed outlay of, say, 1½ millions for establishments, may most likely be found to be in excess of the actual charge. For the existing establishments, with a moderate addition, will suffice for the superintendence of a greatly increased expenditure. Further, having regard to the probable difficulty in providing an increased supervising staff suddenly, and to the probable limitation of expenditure on other classes of works, while the heavy barrack building is in progress, it may be found necessary to withdraw officers from the other works, and to transfer them to the military buildings. On the whole, this item of charge will, to a limited extent only, lead to direct additional expenditure, in excess of what would, under any circumstances, have been incurred, though, in estimating the total cost of the works, it should not be lost sight of.

21. But, notwithstanding this reduction of the sum to be dealt with as absolute extraordinary expenditure, it will not be safe to reckon the probable total outlay at less than 10 millions sterling, having regard to the observations that have been made as to the probable insufficiency of several of the items of the estimate, to complete what will be really required for this class of works.

22. The Government of India is satisfied that, so far as this outlay may hereafter be shown to be really essential for the purposes in view, on a consideration of the detailed estimates for the works on approved designs, the necessary funds should be provided so as to admit of the work being carried out in the shortest time practicable. Having regard to the large number of stations over which the works will be spread, it seems probable that there will be no difficulty in laying out the entire sum in four or five years, in a manner that shall not injuriously affect the prices of labour or materials. There are probably 60 or 70 stations which would give an average of not more than 15 lakhs of rupees each; and this, divided over four or five years, would give a yearly rate of expenditure of only 3 or 3½ lakhs at each place, which is very moderate.

23. The Governor General in Council, therefore, now proceeds to consider what will be the probable effect of this demand for money, which may be taken at 10 millions sterling, distributed over the next four or five years, on the sum available for public works from the surplus of income after paying all other charges of the year.

24. It will be convenient to leave out of consideration the grants on account of the guaranteed railways, and the 1 per cent. of the Income Tax, which, though included in the Public Works Estimates, are essentially different from those applied to public works proper.

25. For the last two years, then, the grants for public works proper have been about 4,500,000*l.*; and of this, about 2,200,000*l.* has been applied to works of public improvement. For the coming year the grant for works of public improvement has been fixed at two millions.

26. The Governor General in Council, having had under consideration the nature of the demands for the works classed under the head of public improvement, is of opinion that it would be extremely difficult to reduce the grant below 1½ millions, even under circumstances of great financial pressure. The charges for maintenance alone, under this head, exceed 650,000*l.* for the present year, so that such a grant would only allow of the expenditure of 850,000*l.* on all new works.

The total original grant under this head for the present year, including repairs, was 2,110,000*l.*, and the subsequent additions have raised it to about 2,300,000*l.* The grant for new works of public improvement, as first made, was 1,420,000*l.*, and this has since been increased to upwards of 1,600,000*l.*

27. There can be no question that the grants for the present year are very liberal; and it may be fairly considered that an allotment of two millions, under the head of public improvement, will admit of a reasonable amount of progress in all really important works. A reduction of the total grant to 1,800,000*l.* might be effected by very close restriction on the prosecution of new works; the margin of 200,000*l.* making the difference between a decidedly restrictive, and a fairly liberal grant.

28. The charge under the head of establishments may approximately be taken at 800,000*l.*

29. Under the head of civil buildings may be allowed 650,000*l.* as for next year.

30. Assuming, then, that the general surplus available to be applied to public works proper

proper remains at $4\frac{1}{2}$ millions, the distribution of this amount to the main heads of the Public Works Estimate might be as follows:—

	£.
Works of Public Improvement - - - - -	2,000,000
Establishments - - - - -	800,000
Civil Buildings - - - - -	650,000
TOTAL - - - £.	3,450,000

leaving 1,050,000 L. available to be applied to military works of all kinds.

31. It may be reckoned that the current charges for repairs and petty new works, not included in the Estimates for Military Buildings above referred to, will amount to about 250,000 L. a year. This leaves a sum of say 800,000 L. available from the year's income to be applied to the new military buildings. Taking the whole period of four or five years, we arrive at a total of three or four millions that may be met from income, and a total balance of six or seven millions, or a yearly sum of $1\frac{1}{2}$ or $1\frac{3}{4}$ millions, to be provided for otherwise. Of course any alteration in the assumed surplus of $4\frac{1}{2}$ millions will lead to a corresponding modification of the above figures.

32. The probable eventual result of the operations now sketched out may usefully be noticed. If, other things remaining the same, a sum of six or seven millions sterling be borrowed at 5 per cent. in the course of the next five years, at the end of that time an additional charge of 300,000 L. or 350,000 L. would fall on the revenue, and the surplus available for public works, before standing at 4,500,000 L., would become 4,150,000 L. But with the completion of the bulk of the military works the charge under this head might be calculated at a very moderate sum, and 500,000 L. would probably be sufficient. This would allow of the following distribution:—

	£.
Military Works - - - - -	500,000
Civil Buildings - - - - -	650,000
Establishment - - - - -	800,000
Works of Public Improvement - - - - -	2,200,000
TOTAL - - - £.	4,150,000

Thus the grant under the head of Public Improvement would continue as high as ever, even though no increase in the surplus income should meanwhile have taken place.

33. It will also appear that the real effect of reducing the grant for works of public improvement, say from two millions to 1,800,000 L. for the four or five years in question, would be to reduce the debt incurred by one million, and to make a corresponding saving in the annual charge for interest, *i.e.*, 50,000 L. Having reference to the certain results of such a reduction of this grant as 200,000 L. below the standard of two millions, the Governor General in Council has no difficulty in concluding that it will be better to maintain the grant in question at two millions, so long as general financial considerations will admit of it, and to accept the contingent future reduction of the general public works grant due to the increased charge for interest.

34. The Governor General in Council is therefore of opinion that the following standard of public works expenditure may properly be adopted as a guide for the operations of the Government in the Financial Department:—

	£.
Works of Public Improvement - - - - -	2,000,000
Civil Buildings - - - - -	650,000
Establishments - - - - -	800,000
TOTAL - - - £.	3,450,000

or that $3\frac{1}{2}$ millions, in round numbers, shall be regarded as the probable sum required for all purposes excepting military works; and that the needful provision of whatever further amount be found requisite to meet the estimated charges for military works, from year to year, be made under such arrangements as may be determined on in the Financial Department.

ORDER.—Ordered, that a copy of the above resolution be forwarded to the Financial Department for further consideration

Also, that Her Majesty's Secretary of State be addressed on the subject.

R. Strachey, Colonel, R. E.,
Secretary to the Govt. of India.

E. C. S. Williams, Captain, R. E.,
Under Secy. to the Govt. of India.

Enclosure 3 in No. 1.

MEMORANDUM by Lieutenant Colonel *W. A. Crommelin*, R. E., upon the probable amount that will be required for Expenditure, during the Four Years commencing on 1st May 1865, on Military Public Works, at Stations in Provinces under the Public Works Administration of the Government of India.

It is, of course, only intended to give, in this memorandum, an approximate idea of the amount that will be required for expenditure on military works during the next four years.

The estimate may be conveniently considered under the following general headings:—

1st. Expenditure required for entirely new sets of barrack buildings for European troops, at the regular stations of the army, necessitated either in consequence of the formation of new cantonments, or the modification of existing stations.

2nd. The expenditure necessary for improving existing sets of buildings for European troops, so as to make them approach the present standard scale of accommodation.

3rd. Expenditure required for forming new hill sanitarium for European troops.

4th. Expenditure required for the construction of contemplated fortified posts and places of refuge.

5th. Expenditure required for general works in cantonments, such as roads, churches, water-supply, lighting of stations, &c., &c.

6th. Expenditure on account of accommodation for native troops.

7th. Expenditure necessary for providing temporary accommodation for European troops, pending the completion of the permanent buildings.

8th. Expenditure required for provision of officers' quarters.

9th. Expenditure required for Ordnance and Commissariat Departments.

1. *New Sets of Buildings for European Troops.*—As neither the permanent distribution of the army, nor the scale of barrack and hospital accommodation to be allowed for the European troops, has yet been finally determined, only a rough estimate of the cost of completing this accommodation can be given.

I have detailed, in an Appendix, approximate estimates of complete sets of buildings for the several units of each arm of the service. The results are as follows:

	Rs.
Head-quarters of a Brigade of Artillery - - - -	12,000
Light Field Battery of Artillery - - - -	3,25,000
Heavy Battery of Artillery - - - -	1,60,000
Garrison Company of Artillery - - - -	1,30,000
Regiment of Cavalry - - - -	9,50,000
Regiment of Infantry - - - -	15,00,000

The above sums are moderate; they will, I think, be found rather under than over the mark.

We have received official intimation from the Military Department, of the strengths of the garrisons which have been fixed for several of the cantonments, and Colonel Norman has given me probable data for the remainder of the stations. Our knowledge as to the new sets of buildings that will be required is therefore tolerably complete. I am thus able to put together all available information (as to the probable total cost of new sets of buildings) in the following concise Tabular Statements:—

NAMES OF STATIONS.	STRENGTH OF GARRISONS AND COST.												TOTALS.
	Head Quarters Brigade Artillery, Rs. 12,000.		Light Field Battery of Artillery, Rs. 3,25,000.		Heavy Battery of Artillery at Rs. 1,60,000.		Garrison Com- pany of Artillery, at Rs. 1,30,000.		Regiment of Cavalry, at Rs. 9,50,000.		Regiment of Infantry, Rs. 15,00,000.		
	No.	Rs.	No.	Rs.	No.	Rs.	No.	Rs.	No.	Rs.	No.	Rs.	
PUNJAB:													
Peshawur - - - - -	-	-	2=	6,50,000	-	-	1=	1,30,000	$\frac{1}{3}$ =	3,17,000	1=	15,00,000	25,97,000
Rawul Pindee - - - -	-	-	1=	3,25,000	-	-	-	-	-	-	-	-	3,25,000
Some Station in Sinch Saugor	-	-	-	-	-	-	-	-	-	-	-	-	-
Doab - - - - -	-	-	2=	6,50,000	-	-	-	-	1=	9,50,000	1=	15,00,000	31,00,000
Delhi - - - - -	-	-	1=	3,25,000	-	-	1=	1,30,000	-	-	1=	15,00,000	19,55,000
Ferozepoor - - - - -	-	-	1=	3,25,000	-	-	-	-	-	-	-	-	3,25,000
Mooltan - - - - -	-	-	1=	3,25,000	-	-	1=	1,30,000	-	-	1=	15,00,000	19,55,000
Jullundur - - - - -	-	-	1=	3,25,000	-	-	-	-	-	-	1=	15,00,000	18,25,000
TOTAL for Punjab - - Rs.												1,20,82,000	
NORTH WEST PROVINCES:													
Benares - - - - -	1=	12,000	1=	3,25,000	-	-	1=	1,30,000	$\frac{2}{3}$ =	7,15,000	1=	15,00,000	26,82,000
Muttra - - - - -	-	-	-	-	-	-	-	-	$\frac{1}{3}$ =	4,75,000	-	-	4,75,000
Cawnpore - - - - -	-	-	-	-	-	-	-	-	$\frac{1}{3}$ =	3,17,000	-	-	3,17,000
Allahabad - - - - -	-	-	1=	3,25,000	-	-	1=	1,30,000	-	-	1 $\frac{1}{2}$ =	22,50,000	27,05,000
Moradabad - - - - -	-	-	-	-	-	-	-	-	-	-	1=	15,00,000	15,00,000
Morar - - - - -	1=	12,000	2=	6,50,000	1=	1,60,000	-	-	$\frac{1}{2}$ =	4,75,000	2=	30,00,000	42,97,000
Futtehghur - - - - -	-	-	1=	3,25,000	-	-	-	-	-	-	-	-	3,25,000
Nowgong - - - - -	-	-	1=	3,25,000	-	-	-	-	$\frac{1}{3}$ =	4,75,000	1=	15,00,000	23,00,000
TOTAL for North West Provinces - - Rs.												1,45,89,000*	

PAPERS RELATING TO

NAMES OF STATIONS.	STRENGTH OF GARRISONS AND COST.						TOTALS.
	Head Quarters Brigade Artillery, Rs. 12,000.	Light Field Battery of Artillery, Rs. 3,25,000.	Heavy Battery of Artillery, at Rs. 1,60,000.	Garrison Com- pany of Artillery, at Rs. 1,30,000.	Regiment of Cavalry, at Rs. 9,50,000.	Regiment of Infantry, Rs. 15,00,000.	
BENGAL:	No. Rs.	No. Rs.	No. Rs.	No. Rs.	No. Rs.	No. Rs.	Rs.
Barrackpore - - - -	1=12,000	2=6,50,000	- -	- -	- -	$\frac{1}{2}$ =3,00,000	9,62,000
					TOTAL for Bengal - - Rs.		9,62,000
CENTRAL PROVINCES:							
Saugor - - - - -	- -	1=3,25,000	- -	1=1,30,000	- -	1=15,00,000	19,55,000
				TOTAL for Central Provinces - - Rs.			19,55,000
BRITISH BURMAH:							
Thayetmyo - - - - -	- -	- -	- -	- -	- -	1=15,00,000	15,00,000
				TOTAL for British Burmah - - Rs.			15,00,000
HYDERABAD:							
Secunderabad - - - -	1=12,000	$2\frac{1}{2}$ =8,12,500	1=1,60,000	- -	1=9,50,000	- -	19,34,500
				TOTAL for Hyderabad - - Rs.			19,34,500
RAJPOOTANA CIRCLE:							
Nusseerabad - - - - -	- -	1=3,25,000	- -	- -	- -	$\frac{1}{2}$ =7,50,000	10,75,000
Neemuch - - - - -	- -	1=3,25,000	- -	- -	- -	1=15,00,000	18,25,000
				TOTAL for Rajpootana Circle - - Rs.			29,00,000
				GRAND TOTAL - - Rs.			3,59,22,500

The probable cost of new sets of buildings appears therefore to be upwards of $3\frac{1}{2}$ millions of pounds sterling.

2. *Improvement of existing sets of Buildings.*—It is not so easy to calculate the probable cost of necessary additions to, and improvements of, existing buildings, so as to make the extent of accommodation approach, as closely as possible, to the present standard scale; but I have for some time been collecting data, which enable me to form a tolerably fair conclusion upon this point. I have looked over the statements of existing accommodation at each station, and after a good deal of consideration have arrived at the following results in regard to future requirements for the next four years:—

PUNJAB:	Rs.	Rs.	CENTRAL PROVINCES:	Rs.	Rs.
Nowshera - - - - -	6,00,000		Jubbulpoor - - - - -	7,00,000	
Attock - - - - -	1,00,000		Kamptee - - - - -	6,00,000	
Rawul Pindee - - - -	10,00,000				
Dugshai - - - - -	12,00,000		TOTAL - - - - -	- -	18,00,000
Subathoo - - - - -	10,00,000				
Ferozepore - - - - -	5,00,000		BRITISH BURMAH:		
Umballa - - - - -	15,00,000		Rangoon - - - - -	7,00,000	
Meean Meer - - - - -	5,00,000		Tonghoo - - - - -	5,00,000	
Sealkote - - - - -	5,00,000		Thayetmyo - - - - -	2,50,000	
TOTAL - - - - -	- -	68,00,000	TOTAL - - - - -	- -	14,50,000
N. W. PROVINCES:					
Meerut - - - - -	10,00,000		HYDERABAD:		
Bareilly - - - - -	5,00,000		Secunderabad - - - -	- -	6,00,000
Cawnpoor - - - - -	6,00,000				
Futteghur - - - - -	8,00,000		RAJPOOTANA CIRCLE:		
Agra - - - - -	12,00,000		Mhow - - - - -	- -	10,00,000
TOTAL - - - - -	- -	41,00,000	GRAND TOTAL - - - Rs.		1,64,50,000
BENGAL:					
Dum Dum - - - - -	1,00,000				
Berhampoor - - - - -	2,00,000				
Dinapoor - - - - -	2,00,000				
Hazareebaugh - - - -	6,00,000				
TOTAL - - - - -	- -	11,00,000			

3. *Hill Sanitaria.*—The probable expenditure under this head cannot, of course, be satisfactorily estimated, until the question, as to the number of men to be located in the hills, has been decided. It will, however, be no doubt well within the mark to calculate that, within the next four years, accommodation should be completed for at least 2,000 men,

men, in addition to that already existing or provided for under other heads at the present hill stations.

The necessary buildings for this number of men (2,000) may be estimated to cost about 40 lakhs.

4. *Fortified Posts and Places of Refuge.*—The question as to the necessity of providing fortified posts and places of refuge at all important stations, is now forcing itself upon the attention of Government, and orders have already been issued for the preparation of plans of posts for Peshawur, Rawul Pindee, Mooltan, and Secunderabad. This work must clearly go on *pari passu* with the construction of the barracks for the troops, and it would not be safe to estimate the outlay, during the next four years, on defensive works alone, exclusive of buildings for the garrisons and stores, at a smaller sum than 20 lakhs.

5. *General Cantonment Works.*—A very heavy expenditure will be required to meet the contemplated introduction of gas and proper water-supply at all important stations.

The formation of additional hill stations, and new cantonments at Peshawur, Sindh Saugor Doab, Mooltan, Benares, Allahabad, Moradabad, Morar, Nowgong, Saugor, Thayetmyo, Nusseerabad, &c., &c., will also necessitate a large outlay for the purchase of land, miscellaneous works, such as roads, &c., a very considerable expenditure will be necessary at existing stations, especially in respect to improvement of drainage and conservancy arrangements.

There are about 50 stations in the Bengal Presidency. It may fairly be calculated that, during the next four years, the outlay at each of the five most important stations, will be two lakhs; at each of the next five most important places, one lakh; at each of 10 other stations, half a lakh; and at each of the remaining 30 stations, a quarter of a lakh; at these rates the total amount will be about 28 lakhs.

6. *Accommodation for Native Troops.*—The question has been raised whether it will not be expedient to provide regular barrack accommodation for native troops in future, in lieu of giving hutting money. In some special cases this will be obligatory. I think this may be done at a rate of two lakhs per regiment, including the provision of hospitals, store-rooms, bells of arms, and other buildings that it has been customary heretofore to allow. Taking into consideration the number of new stations that have to be formed, I do not think that it will be beyond the mark to assume that the accommodation of this character, if it be determined to provide it, will cost in the next four years, say, 20 lakhs, viz., for 10 regiments at the above-mentioned rate.

7. *Temporary Accommodation for European Troops.*—An order has lately been passed that, wherever troops are crowded, or in other words, wherever the standard allowance of space per man is deficient, the deficiency is to be made up by the provision of temporary accommodation, pending the completion of permanent buildings. As a rule, there is not, I think, much crowding, and probably 5 lakhs will meet the necessary outlay under this head.

8. *Officers' Quarters.*—In some cases public quarters for officers (for which rents will be charged) are essential, as in a fort, such as Delhi, Peshawur, &c., &c. In existing cantonments there is no necessity for interfering with present arrangements. The question, however, has been raised, whether it may not be desirable to provide quarters at the expense of the State, at all new stations that may hereafter be created, if it can be done without any serious financial burden being laid on the Government.

I have good data for estimating the cost of a set of quarters for the officers of a regiment of infantry, including mess-house, at $2\frac{1}{2}$ lakhs. Supposing that during the next four years six sets are provided, the outlay under this head will be 15 lakhs.

9. *Ordnance and Commissariat Departments.*—I find it very difficult to estimate the probable outlay under this head. Bakeries and slaughter-houses are required all over the country, and a very considerable outlay on account of all the requirements of the Commissariat Department will be necessary at all the new stations. New Ordnance buildings, too, are required on a large scale at several stations, such as Peshawur, Rawul Pindee, Mooltan, Ishapore, &c., &c. I think 12 lakhs will be a moderate sum to set down under this head.

The following, then, is an abstract of all the items discussed in the above remarks, which shows that the total probable outlay on all military works will be about $6\frac{1}{2}$ millions sterling:—

Necessary Expenditure.						Rs.
1.	New sets of buildings	-	-	-	-	3,59,22,500
2.	Improvement of existing buildings	-	-	-	-	1,64,50,000
3.	Hill Sanitaria	-	-	-	-	40,00,000
4.	Fortified posts	-	-	-	-	20,00,000
5.	General cantonment works	-	-	-	-	28,00,000
7.	Temporary accommodation for European troops	-	-	-	-	5,00,000
9.	Ordnance and Commissariat Departments	-	-	-	-	12,00,000
TOTAL - - Rs.						6,28,72,500

Or, say in round numbers, $6\frac{1}{2}$ millions sterling.

The expenditure on the following classes of works, though of a more doubtful character, must be taken into consideration:—

6. Accommodation for native troops	-	-	-	-	<i>Rs.</i>	20,00,000
8. Officers' quarters	-	-	-	-		15,00,000
TOTAL - - <i>Rs.</i>						35,00,000

Thus the grand total outlay may be as much as 6½ millions.

This, it will be remembered, excludes all military works within the Madras and Bombay Presidencies.

1 January 1865.

W. A. Crommelin, Lieutenant Colonel,
(On Special Duty).

APPENDIX I.

ROUGH ESTIMATE of the Cost of a Set of Buildings for a Regiment of European Infantry.

	<i>Rs.</i>		<i>Rs.</i>
5 Staff sergeants, Class A, at 3,000 rupees each	15,000	School	15,000
6 Staff sergeants, Class B, at 2,500 rupees each	15,000	Canteen	15,000
105 Married soldiers, at 1,500 rupees per family	1,57,500	Store-room	8,000
Out-offices for the above	20,000	Dry store-room	800
870 Unmarried soldiers, at 1,000 rupees per man	8,70,000	Magazine	2,500
Out-offices for the above	60,000	Armourers' shop	4,000
Hospital for 112 men, at 1,200 rupees per man	1,34,400	Conjee house	10,500
Out-offices for hospital	5,000	2 Skittle sheds	3,200
Hospital for 22 women at 1,200 rupees per woman	26,400	2 Ball courts	8,000
Out-offices for ditto	3,000	2 Plunge baths	8,000
Medical subordinates' quarters	10,000	Regimental workshops	15,000
Dispensary and waiting-room, &c., &c.	5,000	Coffee-shop, and recreation-room	10,000
Hospital guard-room	4,000	Library, orderly room, and sergeants' mess	10,000
Hospital store-room	5,000	Institute and reading room	15,000
Dead-house	2,250	Theatre	10,000
Quarter guard	12,000	Gymnasium	5,450
Rear guard	7,000		
		TOTAL - - <i>Rs.</i>	14,92,000
		In round Numbers - -	15 lakhs

APPENDIX II.

ROUGH ESTIMATE of the Cost of a set of Buildings for a Regiment of European Cavalry.

	<i>Rs.</i>		<i>Rs.</i>
5 Staff sergeants, Class A., at 3,000 rupees each	15,000	Dry store-room	800
8 Staff sergeants, Class B., at 2,500 rupees each	20,000	Magazine	2,500
56 Married men, at 1,500 rupees per family	84,000	Armourers' shop	4,000
Out-offices for above	13,000	Conjee house	7,000
469 Unmarried men, at 1,000 rupees per man	4,69,000	2 Skittle sheds	3,200
Out-offices for unmarried men	35,000	2 Ball courts	8,000
Hospital for 62 men, at 1,200 per man	74,400	2 Plunge baths	8,000
Out-offices for hospital for men	3,500	Regimental workshops	15,000
Hospital for 14 women, at 1,200 rupees per woman	16,800	Coffee-shop and reading-room	10,000
Out-offices for hospital for women	1,200	Library, orderly room, and sergeants' mess	8,000
Medical subordinates' quarters	8,000	Institute, &c.	10,000
Dispensary and waiting-room	4,000	Theatre	10,000
Hospital guard-room	3,000	Stables for 490 horses, at 100 rupees per horse	49,000
Hospital store-room	3,500	Hospital stables for 25 horses, at 120 rupees per horse	3,000
Dead house	2,250	Riding school inclosure	2,000
Quarter guard	8,000	7 Saddle rooms, at 2,500 rupees	17,500
Rear guard	5,000	A forge and shoeing shed	4,000
School	10,000		
Canteen	10,000	Total - - - <i>Rs.</i>	9,55,650
Store-room (regimental)	8,000	Say,	9½ lakhs.

APPENDIX III.

ROUGH ESTIMATE of the Cost of a set of Buildings for a Light Field Battery of Artillery.

	Rs.		Rs.
2 Staff sergeants (Class B.), at 2,500 rupees each - - - - -	5,000	Dry store-room - - - - -	600
18 Married men, at 1,500 rupees per family - - - - -	27,000	Magazine - - - - -	2,000
Out-offices for above - - - - -	3,500	Armourers' shop - - - - -	3,000
136 Unmarried men, at 1,000 rupees per man - - - - -	1,36,000	Conjee house - - - - -	2,500
Out-offices for unmarried men - - - - -	10,000	Skittle shed - - - - -	1,500
Hospital for 20 men and 4 women, at 1,200 rupees - - - - -	28,800	Ball court - - - - -	2,000
Out-offices for hospital - - - - -	3,000	Regimental workshops - - - - -	3,000
Medical subordinates' quarters - - - - -	4,000	Coffee-shop and reading-room - - - - -	2,500
Dispensary and waiting-room - - - - -	1,000	Stables for 110 horses, at 100 rupees - - - - -	11,000
Hospital guard-room - - - - -	2,000	Hospital stables for 12 horses, at 120 rupees - - - - -	1,440
Ditto - store-room - - - - -	1,000	Gun shed - - - - -	6,000
Dead house - - - - -	2,250	Farriers' shop and shoeing shed - - - - -	3,000
Quarter guard - - - - -	7,000	Harness rooms and workshops - - - - -	13,000
Rear guard - - - - -	4,000	1 Plunge bath - - - - -	4,000
School - - - - -	4,000	Institute - - - - -	5,000
Canteen - - - - -	3,000	Gymnasium - - - - -	3,000
Library, orderly room, sergeants' mess - - - - -	5,000		
Regimental store-room - - - - -	2,000	Total - - - Rs.	3,12,090
		Say,	3¼ lakhs

APPENDIX IV.

ROUGH ESTIMATE of the Cost of a Set of Buildings for a Garrison Company of Artillery.

	Rs.
Nine married soldiers, at 1,200 rupees per family - - - - -	8,100
Out-offices for above - - - - -	1,500
70 Unmarried soldiers at 1,000 per man - - - - -	70,000
Out-offices for above - - - - -	5,000
Hospital, 10 patients at 1,200 rupees - - - - -	12,000
Out-offices of Hospital - - - - -	1,500
Auxiliary buildings of hospital - - - - -	6,000
Auxiliary buildings for the men - - - - -	25,000
	1,29,100
Say	1,30,000
For a heavy battery, add 25,000 rupees - - - - -	1,55,000

APPENDIX V.

ESTIMATE of the Cost of a Set of Buildings for Head Quarters of a Brigade of Artillery.

	Rs.
Two staff sergeants (Class A.), at 3,000 rupees - - - - -	6,000
Two staff sergeants (Class B), at 2,500 rupees. - - - - -	5,000
Stabling for 3 horses - - - - -	300
Store-room - - - - -	700
Total - - - Rs.	12,000

ABSTRACT.

Regiment of infantry - - - - -	15,00,000
Regiment of cavalry - - - - -	9,50,000
Light field battery of artillery - - - - -	3,25,000
Heavy field battery of artillery - - - - -	1,60,000
Garrison company of artillery - - - - -	1,30,000
Head quarters, brigade of artillery - - - - -	12,000

W. A. Crommelin, Lieut.-Colonel
(On Special Duty).

1 January 1865.

— No. 2. —

The Governor General of India in Council to the Secretary of State for India.

Financial Department, Fort William,
12 January 1865 (No. 10).

Sir,

IN our letter dated the 6th instant, in the Public Works Department, and in the accompanying two resolutions, we explained in detail the arrangements we proposed to make for carrying on the civil and military works which the circumstances of the country required, and we observed that you would be separately addressed in the Financial Department on the provision of the necessary funds.

2. We stated that a sum, which it would not be safe to reckon at less than 10,000,000 *l.*, would be required in the next four or five years for the construction of the new barracks for European troops and other military works; and that, while they were in progress, the following standard might be adopted for civil public works expenditure :

	£.
Works of public improvement - -	2,000,000
Civil buildings - - - -	650,000
Establishments - - - -	800,000
TOTAL - - - £.	3,450,000

3. We also stated that there was a sum calculated at 250,000 *l.* a year required for the current charges for repairs and petty new works, not included in the estimates for new military buildings.

4. The total amount to be provided for in each of the next four or five years will, therefore, be—

1st. Civil works, 3,450,000 *l.* ;

2d. Repairs of military buildings, 250,000 *l.* ; and

3d. As much of the 10,000,000 *l.* for new military works as can with advantage be expended within the year. This is in addition to the two railway items for “supervision and cost of land,” and “railway exchange,” which have hitherto been included in the grant for public works, and which, together, amount in the current year to 566,400 *l.*

5. It would obviously be impossible to provide such an annual amount from the revenue of the year, in addition to all the other demands upon it, without an increase of taxation which would interfere with the prosperity and contentment of the people. Neither would it be just to impose on the existing generation the entire charge for works which are intended for the public service for all time to come. This remark applies in a particular manner to the new military buildings, which furnish a close parallel to the dockyard fortifications in England, the cost of which has been provided by loan.

6. We propose, therefore, that as large a proportion as possible of the annual charge for the new military works should be defrayed from the annual revenue, and that the remainder should be raised by loan. We are also of opinion that the sum annually required for this purpose should be borrowed in the English market in preference to that of this country; the relief to the Indian Exchequer being, of course, that your drafts upon us would be *pro tanto* diminished.

7. It is impossible, in the present state of our information, to indicate with any certainty either what will be the surplus revenue available for public works, or what will be the precise amount of the expenditure for military works in the ensuing financial year.

8. Although the preparations are in some cases in a forward state, the total expenditure for new military works in 1865–6 will probably not exceed 1,000,000 *l.*, to which must be added 250,000 *l.* for ordinary repairs of military buildings, and
3,450,000 *l.*

3,450,000 *l.* for works of public improvement, civil buildings and establishments, making altogether 4,700,000 *l.*

9. After deducting from the grant for the current year 204,330 *l.* for public buildings at Bombay, provided for from the Rampart Removal Fund, 250,000 *l.* for the 20 per cent. appropriated from the income tax in aid of local funds, 309,500 *l.* for railway supervision and cost of land, and 256,900 *l.* loss by railway exchange, the grant for civil and military works for 1864-5 amounts to 4,338,000 *l.*

10. The grant for public works for 1865-6 will, therefore, exceed that for the current year by 362,000 *l.*; but, as it is improbable that so large a sum can be appropriated from revenue for public works in 1865-6 as in 1864-5, the amount which will have to be raised by loan in aid of the cost of the new military works will be more than the difference between the two grants. You will be duly advised of the exact amount as soon as we can arrive at a definite conclusion on the subject.

We have, &c.

John Laurence.
R. Napier.
H. B. Harington.
H. S. Maine.
C. E. Trevelyan.
W. Grey.

— No. 3. —

The Governor General of India in Council to the Secretary of State for India.

Financial Department, Fort William,
6 April 1865 (No. 66).

Sir,

WE have now the honour to forward copies of the "General Abstract Statement of the Revenues and Charges of India," (the budget estimate), for the year 1865-66, with five columns of figures for comparison, viz.:—those of the financial accounts of 1861-62; those of the financial accounts of 1862-63; those of the financial accounts of 1863-64; those of the budget estimate of 1864-65; and those of the regular estimate of 1864-65.

2. We also enclose copies of the "Estimate of Cash Balances in the Indian Treasuries," on 30th April 1865 and 1866, and of the "Estimate of Home Charges in 1865-66;" all the figures of this last estimate have been taken from the statement enclosed in your Financial Despatch, No. 4, dated 16th January 1865.

3. The estimated cash balance on 30th April 1865 has varied from time to time as follows, viz.:—

	£.
In the estimate attached to the budget estimate of 1864-65, dated 7th April 1864, the anticipated balance was stated at	- 13,819,697
In that attached to the revised estimate of 1864-65, dated 21st December 1864	- 11,128,772
In that attached to the regular estimate of 1864-65, dated 22d March 1865	- 10,979,859
And in that attached to the budget estimate of 1865-66, appended, it is	- 11,417,099

The difference between the anticipated balance on 30th April 1865, according to the estimates of cash balances attached to the budget and the regular estimates of 1864-65, is 2,839,838 *l.*, and is fully explained in the 37th and 38th paragraphs of our Despatch, No. 57, dated 22d March 1865, which Despatch gave cover to the actual accounts of 1863-64, and the regular estimate of 1864-65; the further difference between the estimated balance on 30th April 1865, according to the estimate of cash balances attached to the regular estimate of 1864-65, and the budget estimate of 1865-66, is an increase of 437,240 *l.*, which results from the sale of the remaining portion of the Government promissory notes

which were purchased in 1863 out of the cash balances, and from the receipts in the month of April 1865 for certain additional export duties noticed in a subsequent part of this Despatch. This balance will be still further increased by additional receipts amounting to about 17 lacs under "Salt."

4. In our Despatch, No. 57, dated 22d March last, commencing at paragraph 12, comparisons were made between the regular estimate of 1864-65, the budget estimate of 1864-65, and the actual accounts of 1863-64; it is, therefore, unnecessary to repeat them here, as the latest information, excepting that under two heads, is there given.

The two exceptions are as follow:—

1st. "Customs."—The estimate for the receipts under additional export duties in the remaining month, April of 1865, is 31,580*l.*, which sum is included in 11,417,099*l.*, the anticipated cash balance on 30th April 1865 in the estimate of cash balances annexed.

2d. "Salt."—Larger clearances of salt than were anticipated would justify the addition of 170,000 *l.* to the amount, 5,624,250 *l.*, estimated under this head. This sum is not included in the opening cash balance on 1st May 1865, 11,417,099*l.*

"Customs" revenue will stand at 2,287,050*l.*, in lieu of 2,255,470*l.* in the regular estimate of 1864-65;

"Salt" will stand at 5,794,250*l.*, in lieu of 5,624,250 *l.* in the regular estimate of 1864-65;

And the deficit in the regular estimate of 344,143 *l.* has been reduced to 142,563 *l.*

5. We now proceed to the budget estimate of 1865-66.

6. The estimate of "Land Revenue," 20,208,190 *l.*, is 95,233 *l.* less than was actually received in 1863-64, which included 280,000*l.* from the sale of khas mehals in Bengal, against an estimated receipt of 80,000*l.* in 1865-66. On the other hand, it is 113,390 *l.* more than the estimated receipts of 1864-65; but these last were diminished by the inundation at Madras, and the partial failure of the rains in the North-west Provinces.

7. The estimated receipts from "Forest" are 383,000 *l.*, being 78,557 *l.* more than the receipts in 1863-64. This is a smaller increase than may be expected from the arrangements which have been made for the more perfect organisation of the forest department.

8. "Abkaree" is estimated at 2,335,320 *l.*, which is only 62,370 *l.* more than is expected to be received in the current year. The rate of increase in previous years has been much larger.

9. Under "Assessed Taxes" the estimate is taken for the last quarter of the income tax, which expires by law on the 31st of July next. The sum expected to be received is 551,140 *l.*, which includes a considerable amount of arrears.

10. The original estimate for the "Customs" revenue showed a decrease of 192,781 *l.* compared with 1863-64, and of 64,190*l.* compared with the regular estimate of 1864-65. This allowed for a loss of 40,000 *l.* in consequence of the reduction of the duty upon saltpetre from two rupees to one rupee a maund, and assumed the continuance of the depressed state of the import trade. The additional export duties noticed in paragraphs 60 to 67, will add to the estimated receipts in 1864-65 and 1865-66, which will now stand respectively at 2,287,050 *l.* and 2,521,280 *l.*, being an increase in 1865-66 over 1863-64 of 137,219 *l.*, and over 1864-65 of 234,230 *l.*

11. The "Salt" revenue is estimated at 5,782,880 *l.*, which is 747,184 *l.* more than the receipts of 1863-64, and 158,630 *l.* more than the amount expected to be received in the current year. This estimate is fully justified by the previous growth of this branch of revenue, by the additional facilities for the conveyance of salt into the interior, by the improved preventive arrangements in several provinces, and by an estimated increase of 70,000 *l.* expected to be realised by an additional duty of four annas a maund in the Bombay Presidency. Large clearances

clearances of salt have materially altered the Bengal estimate for 1864-65, and the sum now anticipated is raised to 5,794,250 *l.*, or 11,370 *l.* more than the amount estimated for 1865-66.

12. In estimating the "Opium" revenue for the current year, the point of immediate importance is the quantity of opium likely to be brought to sale at Calcutta. This is expected to be 59,513 chests, *i. e.*, two-thirds of the last crop, which amounted to 64,269 chests, and one-third of the crop of the current year, which is estimated at 50,000 chests.

13. But the means which have been taken to regulate the future production of opium in Bengal must not be left out of sight. It has been determined that the price to be paid to the ryots shall be reduced from 5 rupees to *Rs.* 4. 8, a seer; that the cultivation in the Benares Agency shall be diminished until the average yield bears the same proportion to that of the Patna Agency as it bore in 1859-60, when the selling prices of the two kinds of opium were nearly equal; and that 45,000 chests shall be the standard provision from the two agencies in future years. Taken in connection with the constantly increasing demand in China, and the check which has been given to the growth of native opium there, by the increased importations of the superior Indian produce, these arrangements to limit the quantity in Bengal cannot fail to exercise a favourable influence upon the sales towards the close of the next financial year, and it may be hoped that in the following years they will secure as near an approach to a maximum net receipt as can be expected from so variable a branch of revenue.

14. The average price of the sales in February, March, and April has been 853 rupees per chest. The estimate for Bengal opium has been taken at 850 rupees per chest. Adding to this 165,000 *l.* for miscellaneous and abkaree revenue, the estimate for Bengal will amount to 5,223,600 *l.*

15. The results of the "Opium" sales in Calcutta, in the year 1864-65, have been as follows, *viz.* :—

The number of chests sold in the 12 months	-	-	54,486
The sale proceeds	-	-	<i>Rs.</i> 5,10,96,434
The average price	-	-	938
The maximum price	-	-	1,052
The minimum price	-	-	819

16. Malwa opium has a separate field of consumption in China, and its price is only partially influenced by the price of Bengal opium. After a full consideration of all the circumstances, it has not been considered advisable to reduce the pass duty upon Malwa and Guzerat opium. The estimate for 1865-66 has been taken at 2,500,000 *l.*, which assumes that passes will be taken out for 41,666 chests.

17. The entire Opium estimate will, therefore, be 7,723,600 *l.*, which is 476,400 *l.* less than the last budget estimate, and 209,480 *l.* more than the regular estimate.

18. The increase in the Stamp Revenue of 1863-64 over that of 1862-63 is 245,578 *l.* The estimated increase in the present year over 1863-64 is 176,924 *l.* It is proposed to take the Stamp Revenue for 1865-66 at 2,058,500 *l.*, which is an estimated increase of 146,360 *l.* over the present year.

19. "Mint," "Post Office," and "Electric Telegraph," were originally estimated each at a moderate increase over the regular estimate of the current year. A sum of 60,000 *l.* has since been added to Electric Telegraph for the earnings of the Indo-European Line.

20. The receipts under "Law, Justice, and Police," are estimated at 132,320 *l.* more than is expected to be realised in the current year. This increase arises from the anticipated receipts under the new Registration Act, additional contributions from Municipal Funds for Police, and from a general increase in the receipts from Judicial Fees.

21. The Estimate for Public Works Receipts has been taken at 1,000,000 *l.*, which is 16,650 *l.* less than is expected to be received according to the regular estimate

estimate of the current year. It is supposed that the increased water rates in Northern India will yield an additional 50,000 *l.* Some uncertainty prevails as to the amount likely to be realised from land sales at Bombay within the year 1865-66. According to the best information that can be obtained, it has been estimated at 498,350 *l.*, which falls short of the corresponding receipts in the regular estimate of 1864-65 by 66,650 *l.*

22. The increase of 150,000 *l.* under "Miscellaneous, Military," is the result of the measures which have been taken to dispose of useless Ordnance stores.

23. The increased receipts under "Interest" arise from a larger sum having been invested in the Currency Department, and from dividends on a larger number of Bank shares.

24. The total revenue as originally estimated was 46,488,760 *l.*, which exceeds the actual receipts of 1863-64 by 1,875,732 *l.*, the budget estimate of 1864-65 by 324,890 *l.*, and the regular estimate of the same year by 204,654 *l.* To this sum of 46,488,760 *l.* must be added 330,000 *l.* for additional export duties, and 60,000 *l.* for the earnings of the Indo-European Line of Telegraph, making an addition of 390,000 *l.* to the original sum 46,488,760 *l.*, or 46,878,760 *l.*; and to this, which is the estimated income of the year, has to be added the 1,200,000 *l.* which it has been determined to borrow for military and irrigation works in aid of the ways and means of the year, making the total receipts 48,078,760 *l.*

25. Proceeding to the estimate of Expenditure, there is a reduction of 44,680 *l.* under "Allowances, Refunds, and Drawbacks," chiefly due to the expiration of the income tax, the refunds connected with which are always large.

The expenditure under "Land Revenue, Forest, and Abkaree," has been constantly on the increase since 1861-62, when it amounted only to 2,030,489 *l.* Last year a circular was issued calling attention to the necessity for keeping this expenditure under strict control, but there is, nevertheless, a further increase of 129,290 *l.* compared with the budget estimate for 1864-65. This is caused by the growth of the temporary establishments required for the active prosecution of the Land Revenue Settlement, and by the increased allowances consequent upon the rise of wages and prices. There has also been a further increase of expenditure for the organisation of the Forest Establishments.

26. The increase of 15,907 *l.* under "Customs" is caused, as already explained, by the revision of the establishments at Calcutta and Bombay.

27. Under "Salt" there is an increased expenditure of 42,555 *l.* compared with 1863-64, and of 16,823 *l.* compared with the budget estimate, while there is a decrease of 14,120 *l.* compared with the regular estimate of 1864-65. It will be remembered that in the regular estimate for the current year, some extraordinary expenditure was provided for under this head, which is not likely to recur.

28. The large reduction in the Opium expenditure, amounting to 351,693 *l.* compared with 1863-64, and 753,040 *l.* compared with the regular estimate of 1864-65, is caused by a diminution both in the quantity of opium to be provided, and in the rate of payment for it, which has been explained under Revenue.

29. The decrease of 28,702 *l.* under "Mint," compared with 1863-64, and of 102,685 *l.* as compared with the budget estimate of 1864-65, is caused by the more correct mode of exhibiting the copper received for coinage from England, which has been explained in par. 34 of the letter, No. 57, dated 22d March 1865, which gave cover to the regular estimate.

30. Under "Post Office," the decrease of 71,181 *l.* compared with 1863-64, and of 61,005 *l.* as compared with the budget estimate of 1864-65, is caused by the abolition of the bullock train. The increase of 15,180 *l.*, compared with the regular estimate, arises partly from numerous revisions of establishment to improve the efficiency of the Post Office service, and partly from the necessity which has arisen for increasing rates of pay and contract allowances, owing to dearness of provisions. The Post Office establishments were, from their nature, more immediately affected by these changes, and the re-adjustment has been made with a careful attention to economy.

31. The

31. The increase of 56,150*l.* under "Electric Telegraph" is caused by the inclusion of the expenditure connected with the Indo-European Line.

32. Under "Allowances and Assignments under Treaties and Engagements," the reduction of 38,435*l.* compared with 1863-64, and of 21,232*l.* compared with the budget estimate of 1864-65, chiefly arises from the lapse of the pension of 15,000*l.* a year, received by the late Nawab of Tonk, and from commutations and lapses of pensions in Tanjore and the Carnatic.

33. Under "Allowances to District and Village Officers," there is a reduction of 41,229*l.* compared with 1863-64, and of 44,821*l.* compared with the budget estimate of 1864-65, arising from the commutation of allowances in Bombay, and the separate provision which has been made by legislation for village officers at Madras.

34. There is an increase, under "Miscellaneous," of 72,634*l.* compared with 1863-64, and of 53,666*l.* compared with the budget estimate of 1864-65, arising chiefly from the re-organisation of the District Post establishments, and their transfer to this head from "Land Revenue, Forest, and Abkaree." Land purchased for revenue buildings has also been ordered to be charged under this head.

35. There was an increase of Military expenditure in the regular Estimate over the budget estimate of 1864-65 of 674,571*l.* In the budget estimate of 1865-66, there is a further increase of 426,800*l.*, making the increase upon the budget of last year 1,101,371*l.* The increase, compared with the actual expenditure of 1863-64, is 1,057,491*l.* The greater part of the expense of the Bhootan War is included under the several heads of the ordinary grant, and another 100,000*l.* has been added for extraordinaries.

36. Since the beginning of last year, the following reductions of military force have been made:—

The East India Regiment.

Four Regiments of Madras Native Infantry.

Two Regiments of British Infantry transferred to the Home Establishment.

Reductions of Artillery, equal to seven European and three Native Batteries.

Five Troops of the Mahratta Horse.

37. At any previous time, such a reduction of military force as this would have had a sensible effect in decreasing the expenditure of the Army, but such has been the increase of prices and wages, that the entire result has disappeared in the great increase which has taken place in the cost of the remainder of the force.

38. As the expenditure of the Indian Army defrayed in England for 1865-66, is estimated at 2,883,872*l.*, the total cost of the Army in the same year will be 16,638,432*l.* The incidental receipts are estimated at 850,000*l.*, and the net cost will, therefore, be 15,788,432*l.*

39. The settlement of the grant for Public Works has engaged our anxious attention. Excluding the State expenditure for guaranteed enterprise, the grants for Public Works since 1859-60 have amounted to about 27,012,000*l.* To this has to be added 1,046,016*l.* from the 20 per cent. appropriated from the income tax in aid of local funds, and the additional sums annually expended from the independent income of those funds, which may be estimated at 760,000*l.* a year. The total amount transferred from circulating to fixed capital in these six years, and invested in administrative buildings, roads, irrigation, and other works intended to promote the productiveness and good government of the country, cannot, therefore, be much less than 33,000,000*l.*

40. Of these 33,000,000*l.*, about 11,907,995*l.* has been expended in the two years 1863-64, and 1864-65, *i. e.*,—

	£.
Original and additional grants from Public Revenue -	9,175,000
From Local Funds - - - - -	2,135,615
From the one per cent. appropriated from the Income Tax in aid of Local Funds - - - - -	597,380
TOTAL - - - £.	11,907,995

41. The whole amount which has been appropriated in aid of Local Works from the income tax, during the five years of its incidence, is 1,500,000 *l.*, or at the rate of 300,000 *l.* a year. This will now cease, and Local Funds will have to meet the demands upon them without further assistance from the Public Revenue.

42. The Civil Expenditure from Public Works for 1865-66 has been fixed as follows, on the basis of the original appropriation of last year, excluding the extra grants made in the course of the year:—

	£.
Civil Buildings - - - - -	650,000
Works of Public Improvement - - - - -	2,000,000
Establishments - - - - -	800,000
TOTAL - - - £.	3,450,000

43. Divided among all the local governments and administrations, this sum will barely suffice, at the present prices of labour and materials, to provide for the most urgent wants of this great continent. The proportion available for works of irrigation may be estimated, at the outside, at 500,000 *l.*; but half of this is required for the maintenance of the existing works in every part of British India, upon which the due realisation of the land revenue depends. The annual sum remaining available for new works of irrigation is, therefore, only 250,000 *l.*, which is not sufficient even to complete, within a reasonable period, the great works which have been already commenced.

44. This grant has been carefully allotted among the different local governments, and is to be regarded as final. The practice of making additional grants in the course of the year is to be discontinued, except under circumstances of a really extraordinary nature; and all urgent wants not provided for in the budget estimate will, therefore, have to be met by re-appropriation from other works which can be postponed. The sums assigned for civil buildings, works of public improvement, and establishments, are liable to variation at the discretion of the local governments, provided the total amount allotted to each government is not exceeded.

45. The paramount necessity of providing the barracks required for the health of the European troops, and the works of defence upon which the public security in some degree depends, has long been admitted, but the preliminary arrangements have only lately been completed. The total outlay will, probably, not be much less than 10,000,000 *l.*, including the cost of establishments; and the work is obviously one which ought to be carried on as fast as the requisite preparations can be made. The expenditure on this account for 1865-66 is estimated at 1,000,000 *l.*, after which it will proceed at an increased rate until the object has been accomplished.

46. The other sums required for the service of the year 1865-66 under the head of Public Works, are:—

	£.
For the ordinary repairs of military buildings - -	250,000
Public works at Bombay charged on the proceeds of the sales of land at that place - - - - -	700,000
Twenty per cent. appropriated from the income tax -	110,000
Railway supervision and cost of land - - - - -	207,425
Loss by railway exchange - - - - -	171,215

47. The total amount required under every head of public works for 1865-66 is, therefore, 5,888,640 *l.*, which is 529,910 *l.* more than the Budget for 1864-65, and 202,823 *l.* more than the regular estimate. The increase is caused by the addition of 400,000 *l.* for new military works, including the due proportion of establishments, of 495,670 *l.* for public works at Bombay charged on the local sales of land, of 70,000 *l.* for civil buildings, and 10,000 *l.* for establishments. On the other hand, railway supervision is less by 102,075 *l.*, the sum appropriated from the income tax by 140,000 *l.*, loss by railway exchange by 85,685 *l.*, and works of public improvement, by 118,000 *l.*

48. It is proposed, that relief should be afforded to the revenue of 1865-66 for expenditure in the Public Works Department, to the extent of 1,200,000 *l.*, which

which it is requested may be raised by loan in England, your drafts upon India being *pro tanto* diminished. The portion of the grants for public works to be provided for from the revenue of the year 1865-66 will, therefore, be 4,688,640*l.*, which will be 670,090 *l.* less than the Budget Estimate, and 997,177 *l.* less than the regular estimate of 1864-65.

49. "Salaries and Expenses of Public Departments" shows an increase of 74,109 *l.* compared with 1863-64, and of 44,295 *l.* compared with the Budget Estimate of 1864-65. The chief causes of increase are the creation of seven new currency circles, the revival of the office of Financial Commissioner in Oudh, the appointment of a new Deputy Auditor and Accountant General for British Burmah, the additional cost incurred on the revision of the secretariats in the Military and Public Works Departments, and the increased charges for the Legislative Members of Council.

50. Under "Law and Justice" as it originally stood, there was an increase of 379,424 *l.*, compared with 1863-64, and of 145,749 *l.* compared with the Budget Estimate of 1864-65; subsequently it was found necessary to grant an additional sum of 17,520 *l.* to Bombay; and the increase as compared with the years 1863-64 and 1864-65 is now respectively 396,944 *l.* and 163,269 *l.* Of this large increase, 140,740 *l.* arises from the increased cost of clothing and provisioning prisoners in gaols, and the additions which have been made to the salaries of the establishments. The difference is due principally to the new establishments employed under the recent Act for the Registration of Assurances.

51. There is an increase under "Police" of 142,108*l.* compared with 1863-64, and of 95,350 *l.* compared with the regular estimate of 1864-65, of which 50,000 *l.* occurs in Bengal, 40,000 *l.* in Madras, 16,000 *l.* in the Berars, and 7,000 *l.* in the Central Provinces, while there is a decrease of 5,700 *l.* on account of the abolition of the office of Inspector General of Police.

52. The grant for education is 622,210 *l.*, which is 180,354 *l.* more than the actual expenditure of 1863-64, and 61,035 *l.* more than the Budget Estimate of 1864-65. It will be seen from the progressive increase of this grant from 342,593 *l.* in 1861-62 to 622,210 *l.* in 1865-66, that the means of promoting national education have not been stinted. The public grants for this purpose are also largely supplemented by local funds derived from school fees and subscriptions, and in some provinces from a per-centage on the land revenue.

53. The estimate for "Superannuation and Retired Allowances" is 119,752 *l.* more than the actual expenditure of 1863-64, and 150,760 *l.* less than the regular estimate of 1864-65. These variations mainly arise from the assimilation of the mode of adjusting the service donations to that in use as regards the other portions of the debt. While the charge on this account for 1863-64 was carried forward to 1864-65, the arrears, which amounted to nearly an equal sum, were shown against the revenue of 1863-64. The larger sum in the regular estimate of 1864-65 arises from the fact that the amount transferred included the triennial adjustment. The estimate for 1865-66 includes the normal charge.

54. Under "Miscellaneous and Civil Contingencies," there is a decrease, compared with 1863-64, of 139,850 *l.* which is caused by the accounts of 1863-64 having included 75,000 *l.* for the investment made in favour of Madhoo Rao, by a diminution in the expenditure for the Governor General's tour, and loss by exchange. The reduction of 96,920 *l.* compared with the regular estimate for 1864-65 chiefly arises from the latter having been swollen by the expenditure caused by the calamity at Masulipatam.

55. There is an increased charge under "Interest" of 108,570 *l.* compared with 1863-64, and of 71,320 *l.* compared with the regular estimate of 1864-65. The chief causes of increase are larger balances of the service and other funds, and the charge for interest on the promissory notes transferred to the currency department. This item will be increased in consequence of the resale of the remainder of the securities, of which a million sterling was purchased in 1863.

56. The "Net Expenditure in England" amounts to 5,483,390*l.*, which is 705,760 *l.* more than 1863-64, 553,466 *l.* more than the Budget Estimate of 1864-65, and 593,354 *l.* more than the regular estimate of the same year.

57. "Guaranteed Interest on Railway Capital, less net Traffic Receipts," is estimated at 1,234,000 *l.* against 1,388,416 *l.* in 1864-65, or 154,416 *l.* less. The guaranteed interest payable in England has increased by only 154,000 *l.*, while the net traffic receipts in India are expected to increase by 276,333 *l.*

58. The total estimated expenditure for 1865-66 was originally 47,186,930 *l.*, which showed the following increases :—

	£.
Compared with the actual expenditure of 1863-64	- 2,652,245
" " Budget Estimate of 1864-65	- 1,846,348
" " Regular Estimate	- 558,681

59. The estimated expenditure was originally 47,186,930 *l.*, and there was a surplus of 501,830 *l.* To this has since been added the increased export duties of 330,000 *l.*, and 60,000 *l.*, the anticipated receipts from the Indo-European line of telegraph, making a sum of 891,830 *l.*

On the other hand, it has been found necessary to comply with a requisition from the Government of Bombay for an addition of 17,520 *l.* to the expenditure under the head "Law and Justice."

The surplus therefore stands at 874,310 *l.*

These changes have been noted at the foot of the statement of the revenue and charges.

60. Jute, wool, tea, and coffee were placed on the free list in 1860, previously to which they were subjected to the normal duty of three per cent. charged on unenumerated articles. The increase which has taken place in their production, and the high prices which they have commanded for exportation during the last few years, show that any reduction of price which might be caused by a moderate duty would in no way discourage the cultivation. Jute, when manufactured into gunny bags and other articles, is charged an export duty of three per cent., and the manufacture of the country is, thereby, placed at a disadvantage in any market where it may be brought into competition with similar articles manufactured in England.

61. The annual value of the exports of these four articles has increased since 1860-61, as follows :—

	1860-61.	1861-62.	1862-63.	1863-64.
	£.	£.	£.	£.
Jute - - - -	409,283	571,736	811,108	1,598,084
Wool - - - -	473,544	862,672	1,477,214	1,511,644
Tea - - - -	101,693	131,314	179,618	222,085
Coffee - - - -	249,095	402,994	426,489	518,768

62. We have extended to these articles the normal export duty of three per cent., which may be expected to yield 130,000 *l.* a year.

63. Hides, sugar, and silk have not increased in the same proportion, but they would, nevertheless, bear a low rate of duty without any discouragement to the trade. We have subjected them to a duty of two per cent., which will yield about 60,000 *l.* a year.

64. The export duty on grain was increased in 1860 from half an anna to two annas a maund. Much the most important article under this head is rice. Although India has no monopoly of its production, she provides the largest portion of the supply for foreign markets, and the climate and soil of large tracts are so congenial to its cultivation, that it is grown under great advantages, and would easily bear another anna a maund. The value of the exports has increased in each of the last five years as follows :—

	£.
1859-60 - - - -	2,265,656
1860-61 - - - -	2,938,876
1861-62 - - - -	3,285,894
1862-63 - - - -	3,320,923
1863-64 - - - -	3,936,709

65. We

65. We have raised the export duty on rice and other grains from 2 annas to 3 annas a maund, which is expected to give an additional 140,000 *l*.

66. The total estimated increase of revenue from these duties is 330,000 *l*., whereby the originally estimated surplus has been raised to 831,830 *l*.

67. On the other hand, we have reduced the import duty upon hops from 7½ to one per cent. This is necessary in order to place the produce of the Indian breweries on an equal footing with the beer imported from England, which is liable only to a nominal duty of 1 anna a gallon. The loss of revenue will be about 1,000 *l*.

68. The income tax, which, to use Mr. Wilson's words, "was passed for a limited period with a view to the present emergency," will expire on the day appointed by law—the 31st of July next.

69. The income tax was passed for five years from 31st July 1860, at the rate of two per cent. upon incomes between 200 rupees and 500 rupees a year, and of four per cent. upon incomes above 500 rupees; and of this last-mentioned four per cent., one per cent. was appropriated to roads, canals, or other reproductive works. The assessment was to be an annual one; but, before the first year had expired, an Act was passed, authorising the Governor General in Council to continue the original assessments for another year. In May 1862, this power was extended to the remaining three years, and the limit of exemption was raised from 200 rupees to 500 rupees. From the 31st of July 1863, the rate of 4 per cent. was reduced to three. The original assessment has become obsolete in every sense. Persons deriving their income from salaries and the funds pay the full 3 per cent., but the assessments made five years ago, which were originally insufficient and unequal, have become much more so by the great increase of wealth, and by the change in the circumstances of individuals during the interval.

70. The gross amount that will be realised from the income tax in five years will be 8,008,127 *l*., and the cost of the establishments employed in collecting it will be 366,160 *l*., or, at the average rate of about 4½ per cent., leaving 7,641,967 *l*. as the net proceeds of the tax. The sum appropriated to local works will be 1,500,000 *l*., so that the benefit to the general revenue from the income tax will be about 6,141,967 *l*. Debt to a much larger amount than this has been paid off at home and in India within the last three years. The usual course has been followed in taking the cost of the tax at the expense of the machinery actually employed in collecting it; but in order to estimate the real cost, the work it caused to the different governments, secretariats, army, and police, the printing, translating, telegraphing, stationery, and all the other expenses incidental to the tax, should be included.

71. An abstract will be found in the packet of the actual expenditure of local funds in 1863-64, together with Estimates for 1864-65 and 1865-66. It will be seen that there is an increase in the receipts from 1,994,296 *l*. in 1864-65, to 2,153,649 *l*. in 1865-66, and an increase in the expenditure from 2,038,251 *l*. to 2,327,017 *l*., while there is an estimated decrease in the balance on hand from 1,774,679 *l*. to 1,601,311 *l*.

72. Besides the temporary grant of one per cent. from the income tax, and the permanent transfers from general to local revenue, mentioned in former statements, further steps have since been taken in the same direction. The revenue derived from fisheries in the Madras Presidency, amounting to 60,000 rupees a year (excepting of course the pearl and chank fisheries), has been transferred to local funds, as had previously been done in Bengal. Ten per cent. of the proceeds of escheated lands in Malabar, has been similarly appropriated. In the Central Provinces, the land revenue assessment is so moderate that the road and education cesses have been raised from one to two per cent. each, upon the land revenue, without imposing any undue burden upon the people. Buildings belonging to the Government in provincial towns which are not required for Government purposes, are likely to be turned to better account by local administration, for objects in which the inhabitants are interested, than if they were under Government management, as belonging to the Imperial revenue. The arrangements which had long existed for giving effect to this principle in the

Bengal Presidency, under the name of "nuzool" or escheats, were extended in September last to the Presidencies of Madras and Bombay. "

73. The estimated cash balance on 30th April 1865, is, as shown by Statement B., 11,417,099 *l.*, after having remitted 7,362,350 *l.* to you in the course of the year 1864-65.

74. The only investments which have been made out of the cash balances in 1864-65, are 174,000 *l.* for the Government share of the increased capital of the Banks of Bengal and Bombay, and 80,000 *l.* for paying off Treasury notes belonging to the suitors' funds of the Recorder's Courts in the Straits settlements. On the other hand, the balances have been strengthened by the transfer to the Currency Department of a portion of the Government securities, which were purchased in the beginning of 1863, by the disbursement of a million sterling out of the cash balances, when they amounted to upwards of 19,000,000 *l.* The amount so obtained at the date the regular estimate was closed, was 535,000 *l.*, and the proceeds of the remainder, 405,660 *l.*, will be paid into the Treasury in 1864-65. This increased the balance on the 30th April 1865, from 10,979,859 *l.* to 11,385,519 *l.*: the additional sum, 31,580 *l.* is explained at Para. 4.

75. The estimated cash balance on 30th April 1866 is shown to be 10,860,430 *l.*, after providing 7,200,000 *l.* for your Bills, *i.e.*, the difference between 8,400,000 *l.* and 1,200,000 *l.* to be raised by loan; and also for other payments, 144,375 *l.* The additional receipts under "salt," referred to in Para. 3, will increase the balance from 10,860,430 *l.* to 11,030,430 *l.*

76. The figures contained in your Despatch, No. 4, dated 16th January 1865, and in its enclosure, the "Estimate of the Receipts and Disbursements of the Home Treasury of the Government of India, from 1st May 1865 to 30th April 1866," have been accepted without alteration. Some of these have been adopted in the "Estimate of Cash Balances in the Indian Treasuries on the 30th April 1866," (Statement B.) while the others have either been included in the "Net Expenditure in England" (Statement C.) or incorporated with the charges in the "General Abstract Statement of the Revenues and Charges of India" (Statement A.), being the Budget Estimate for the year 1865-66.

77. We observe that the opening Cash Balance in the Home Treasury on 1st May 1865 is estimated at 2,889,238 *l.*, and, with reference thereto, and to the state of the Cash Balances in the Indian Treasuries on that day, we suggest that you should limit your drafts to 3,000,000 *l.* in the first six months of the year, drawing at the rate of 700,000 *l.* per mensem throughout the last six months.

We have, &c.

John Lawrence.
H. B. Harington.
C. E. Trevelyan.
W. Grey.

(A.)—GENERAL ABSTRACT STATEMENT of the REVENUES and CHARGES of INDIA for Five Years from 1861-62 to 1865-66.

REVENUES AND RECEIPTS.	Actual, 1861-62.		Actual, 1862-63.		Actual, 1863-64.		Actual, 1864-65.		Budget Estimate of 1865-66.	
	1861-62.		1862-63.		1863-64.		1864-65.		1865-66.	
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
EXPENDITURE.										
Land -	19,684,670	19,570,147	20,303,423	20,265,000	20,094,800	20,208,190	20,094,800	20,094,800	20,208,190	212,000
Forest -	460,728	520,380	304,443	320,150	356,130	383,090	356,130	356,130	383,090	2,740,640
Abkaree -	1,786,157	1,951,080	2,060,270	2,087,680	2,272,950	2,335,320	2,272,950	2,272,950	2,335,320	19,390
Assessed Taxes -	2,054,696	1,882,212	1,483,622	1,187,660	1,236,400	551,140	1,236,400	1,236,400	551,140	190,660
Customs -	2,876,139	2,464,366	2,384,061	2,311,060	2,255,470	2,191,280	2,255,470	2,255,470	2,191,280	347,620
Salt -	4,563,081	5,244,150	5,035,696	5,442,510	5,624,250	5,782,880	5,624,250	5,624,250	5,782,880	1,954,800
Opium -	6,359,269	8,055,476	6,831,999	8,200,000	7,514,120	7,723,600	7,514,120	7,514,120	7,723,600	102,340
Stamps -	1,093,217	1,489,638	1,735,216	1,744,270	1,912,140	2,058,500	1,912,140	1,912,140	2,058,500	133,480
Mint -	380,735	371,116	369,759	428,500	414,800	461,640	428,500	428,500	461,640	431,490
Post Office -	402,135	425,828	459,882	485,440	347,220	370,180	347,220	347,220	370,180	100,100
Electric Telegraph -	73,452	75,525	91,762	103,450	93,590	130,350	103,450	103,450	130,350	13,754,560
Law and Justice, and Police.	511,513	494,842	631,798	660,740	716,470	848,790	660,740	660,740	848,790	538,200
Marine -	155,723	189,046	307,715	350,000	312,270	225,630	312,270	312,270	225,630	5,886,640
Public Works -	588,858	443,553	461,785	617,610	1,016,650	1,000,000	617,610	617,610	1,000,000	1,231,560
Tributes and Contributions.	780,162	725,763	715,990	744,900	742,280	722,350	744,900	744,900	722,350	* 2,500,060
Miscellaneous—	468,500	404,057	615,903	376,200	402,976	413,300	376,200	376,200	413,300	2,442,590
Civil.	956,219	802,309	747,431	661,300	700,000	850,000	661,300	661,300	850,000	622,210
Military.	34,218	34,364	72,277	178,400	181,500	232,610	178,400	178,400	232,610	234,940
Interest -	43,829,472	-	-	-	46,284,106	46,498,760	-	46,284,106	46,498,760	811,970
Loan to be raised in England for New Military and Irrigation Works -	50,628	-	-	-	-	-	-	-	-	311,600
Deficit, including Railways.	43,880,100	45,143,752	44,613,032	46,163,870	46,628,249	47,688,760	46,163,870	46,163,870	47,688,760	40,469,540
£.	43,880,100	45,143,752	44,613,032	46,163,870	46,628,249	47,688,760	46,163,870	46,163,870	47,688,760	5,483,390
										1,234,000
										17,186,930
										501,830
										47,688,760

* Includes Sayer and Miscellaneous Receipts. †

† Exclusive of additional Export Duties -

‡ Exclusive of Earnings of Indo-European Line -

§ The Amounts marked thus are increased by

* Exclusive of additional Grant to Bombay, 17,520 l.

† The Amounts marked thus are increased by 17,520 l.

‡ The surplus is increased by 330,000 l. + 60,000 l. — 17,520 l. = 874,310 l.

Enclosure 2 in No. 3.

(B.)—ESTIMATE of CASH BALANCES in the INDIAN TREASURIES on the 30th April 1866.

RECEIPTS IN INDIA IN 1865-66.			DISBURSEMENTS IN INDIA IN 1865-66.		
	£.	£.		£.	£.
Revenues	-	46,488,760	Expenditure in India	-	40,469,540
Add—Additional Export Duties	-	330,000	Add—Additional Grant to Bombay under "Law and Justice"	-	17,520
Receipts from Indo-European Telegraphic Line	-	60,000			40,487,060
		390,000	Deduct—Items included in above:		
Debt (Receipts on Account of)	-	-	Stores from England	-	599,300
		46,878,760	Dividends on India Transfer Loan Property	-	74,000
		11,794,215	Miscellaneous	-	41,700
		-			715,000
		-	Debt (Payments on Account of)	-	-
		-			39,772,060
		-			11,207,535
Recoveries in India of Payments in England:					
Funds, family remittances, &c.	-	-	Payments in India on account of England:		
		1,569,040			
Net Railway Earnings	-	-	Railways	-	3,483,384
		1,600,000	Irrigation and Canal Company	-	365,000
		-	Other Payments	-	126,280
Estimated Cash Balance on 30th April 1865	-	-			3,974,614
		11,417,999			
		-	Remittances to England on account of Payments for India:		
		-			
		-	Guaranteed Railway Interest	-	2,834,000
		-	Other Payments	-	4,510,375
		-			7,344,375
		-	Unadjusted Amounts between Presidency and Presidency	-	100,000
		-	Estimated Cash Balance on the 30th April 1866	-	10,860,430
		-			10,960,430
		-			
		-	TOTAL	-	73,259,114
		73,259,114			

Fort William, Financial Department,
31 March 1865.

E. H. Lashington,
Secretary to the Government of India.

PUBLIC WORKS (EAST INDIA).

Enclosure 3 in No. 3.

(C.)—HOME CHARGES in 1865-66.

DEBT :	£.	£.
Dividends to proprietors of East India Stock - - - - -	629,970	
Interest on loans contracted in England - - - - -	1,234,150	
TOTAL Dividends and Interest - - -	-	1,864,120
 CIVIL :		
Charges General, Home Establishments, &c. - - - - -	172,900	
Amount payable under the postal arrangement - - - - -	50,000	
Red Sea and India Telegraph—charge to India - - - - -	18,000	
Persian Gulf Telegraph cable - - - - -	12,400	
Mission to the Court of Persia—charge to India - - - - -	12,000	
Her Majesty's Establishments in China—charge to India - - - - -	17,000	
Pensions and retired allowances, viz :		
Civil Pensions, including late St. Helena Establishment - - -	237,000	
Furlough and absentee allowances - - - - -	72,000	
Miscellaneous, including India Office site and building - - - - -	200,300	
TOTAL Civil Charges - - -	-	791,600
 MILITARY :		
EFFECTIVE CHARGES :		
Imperial Government for troops serving in India - - - £.	676,000	
Ditto on account of cost of education of officers and cadets - - -	9,922	
Passage of troops - - - - -	100,150	
Passage and Outfit of Officers - - - - -	42,200	
Furlough allowances - - - - -	177,000	
Construction of vessels for conveyance of Troops between this country and India - - - - -	750,000	
TOTAL Effective Charges - - - £.	1,755,272	
 NON-EFFECTIVE CHARGES :		
Imperial Government for troops serving in India - - - £.	236,600	
Retired pay, including colonels' allowances - - - - -	774,000	
Pensions, Lord Clive's Fund - - - - -	118,000	
TOTAL Non-Effective Charges - - -	1,128,600	
TOTAL Military Charges - - - - -	-	2,883,872
 MARINE :		
Pensions and retired allowances, Indian Navy and Bengal pilot service - - - - -	52,000	
Furlough absentee allowances - - - - -	1,800	
TOTAL Marine Charges - - - £.	53,800	
TOTAL Charges in England - - - £.	5,593,392	
Deduct :		
Miscellaneous Home receipts - - - - -	110,002	
NET EXPENDITURE in England - - - £.	5,483,390	

Enclosure 4 in No. 3.

(D.)—LOCAL FUNDS.

	Actual Balance on 1st May 1863.	ACTUALS, 1863-64.		Actual Balance on 30th April 1864.	ESTIMATES, 1864-65.		Estimated Balance on 30th April 1865.	ESTIMATES, 1865-66.		Estimated Balance on 30th April 1866.
		Receipts.	Charges.		Receipts.	Charges.		Receipts.	Charges.	
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Bengal - - -	353,901	458,844	478,998	333,747	555,842	544,272	345,317	483,856	605,942	223,231
North Western Provinces	222,915	450,230	431,130	242,015	471,450	487,930	225,535	456,952	434,281	248,206
Oudh - - -	90,294	104,601	93,529	101,366	109,890	113,549	97,707	102,704	100,299	100,112
Punjab - - -	198,122	211,910	225,813	184,219	214,053	264,522	133,750	245,930	309,762	69,918
Bombay - - -	340,084	299,894	127,314	512,664	199,471	170,787	541,348	355,011	450,410	445,949
Central Provinces -	62,534	141,407	133,937	70,004	90,323	96,077	64,250	94,648	98,319	60,579
Berars - - -	70,359	89,796	88,133	72,022	84,794	100,249	56,567	83,634	97,603	42,598
Madras - - -	77,886	159,481	140,591	96,776	162,464	162,305	96,935	152,099	186,873	62,161
British Burmah - -	64,930	72,012	64,081	72,861	61,686	79,635	54,912	56,622	30,556	80,978
Government of India -	83,586	61,128	11,754	132,960	44,323	18,925	158,358	122,193	12,972	267,579
TOTAL - - - £.	1,564,611	2,049,303	1,795,280	1,818,634	1,994,296	2,038,251	1,774,679	2,153,649	2,327,017	1,601,311

— No. 4. —

The Governor General of India in Council, to the Secretary of State for India.

Sir,

Financial (Separate Revenue) Department,
Fort William, 8 April 1865 (No. 13).

WE have the honour to transmit for your information the Minutes noted in the margin, relating to the Income Tax, which have been recorded by the Governor General and two Members of his Council. A Minute from Mr. Harington and Mr. Grey will follow on the same subject by the next mail.

Minute by His Excellency the Governor General, dated 30 March 1865.

Minute by the Honourable Sir C. E. Trevelyan, dated 3 April 1865.

Minute by the Honourable G. N. Taylor, dated 7 April 1865.

We are, &c.

John Lawrence.
H. B. Harington.
W. Grey.
G. N. Taylor.

Enclosure 1 in No. 4.

MINUTE by His Excellency the Viceroy and Governor General,
dated 30 March 1865.

IT is with very great concern that I find that Sir C. Trevelyan is opposed to the renewal of the Act under which the Income Tax is levied, as well as to the imposition of any taxation to supply, even in part, the loss of the Income Tax. I need scarcely say that I would gladly see that tax given up, if I could think that we could do without it. And I am quite willing to take into consideration any scheme for its modification, or even partial reduction, or the substitution of any other tax which may appear to be preferable to an Income Tax. But I am very strongly of opinion that it is not expedient to allow the Income Tax wholly to lapse, and trust to the revenues of the country affording an adequate means of meeting the expenditure.

2. Perhaps

2. Perhaps there has been no period in the history of British rule in India, when the country was so well able to bear its present burthen of taxation as the present time. Nearly all classes are more or less prospering; some are in the highest degree well-to-do. The Land Tax all over India is light, and the proprietors and occupiers of land, generally speaking, are flourishing. Trade, I need scarcely add, is everywhere in a thriving condition. The wages of labour have, in many parts of India, risen largely; more especially in our presidential towns and along the lines of communication.

3. On the other hand, the State has very serious engagements to meet; and demands have been made, and will be made on its resources, which we shall do well to be prepared for. The high prices, which have brought wealth and prosperity to the classes engaged in mercantile and agricultural pursuits, have had the opposite effect on those who have fixed incomes, or are dependent on means which do not rise with the enhancement of prices. During the past year the increased expenditure which has thus arisen connected with the Army, and in a lesser degree with the Subordinate Civil Establishment, has been considerable, and will no doubt still continue. We have hitherto staved off claims of this kind to a considerable extent; but it will be difficult to go on doing so, if high prices increase or spread further over the country.

4. Again, we must not forget that we have a war on our hands, in which, though the enemy themselves are not formidable, the difficulty of bringing them to sue for peace on terms which will ensure security to that part of our frontier is very considerable. This war may continue for an indefinite period; and, so long as it does continue, must cost large sums, from the distance we have to carry everything required by the troops.

5. Then, again, we have before us a large expenditure for military barracks and defensive works all over India. These have been estimated to cost 10,000,000 £, and will probably very much exceed that sum. Much stress has been laid on the circumstance that we have recommended to the Secretary of State that a large portion of this sum should be borrowed. I consented to this proposal, because I was led to believe that the finances were in that condition that there was no choice between borrowing or postponing these necessary, I may say urgent, works. I understood at that time, distinctly, that there was almost a certainty of there being a large deficit on the financial results of the year. Up to that time the prospects of the harvest in Upper India were very unsatisfactory, and large demands of one kind or the other had poured in on the Government.

6. I do not anticipate, I do not desire, that, under any circumstances likely to occur, we should not borrow some portion of that part of the 10 millions required each year, where it may exceed a certain sum. I have no wish that all should be defrayed from current income. All I suggest is, that we should not give up any considerable amount of the revenue we now have under present circumstances.

7. In our letter No. 10, of the 12th January last, to the Secretary of State (para. 5), we grounded our claim to borrow money for these works on the argument that we could not meet this and other demands "without an increase of taxation." In para. 6, however, we still proposed "that as large a proportion as possible of the annual charge for the new military works should be defrayed from the annual revenue, and that the remainder should be raised by loan." But, even if we had not made this stipulation, the wisdom of such a course would appear to me to be in no degree the less obvious.

8. Some stress has been laid by the majority of the Council on the argument, that it is not fair to lay the burthen of the expenditure on such works as those for new barracks and the like, on the present taxpayers; and that the arrangement made by the British Government at Home, not long ago, is an exact instance in point. No doubt it is a parallel case, so far as the character of the expenditure goes. But how different are the circumstances of the two countries. It is a matter of comparatively little importance whether England meets such a demand now or a few years hence. Her wealth and her tax-paying powers are enormous. Her people are a homogeneous race, closely bound together by the strongest ties. The very reverse is the case in India. We shall do well to keep our public debt down as low as possible, so that in times of difficulty we may possess the greater credit, and be able to work, as far as practicable, unshackled.

9. No statesman can foresee what a year or perhaps a day may bring forth in India. But this seems clear to me (and no one has dwelt on the subject oftener or more fully than Sir Charles Trevelyan himself) that we should endeavour to provide, year by year, for current expenses. India is a vast Continent, in which the amount of capital hitherto expended on Public Works, however considerable in amount, is quite insignificant compared with its wants. So far from being able to look forward to the day when we might, with propriety, reduce such expenditure, it appears to me that it ought only to be limited to our means, coupled with what it may be expedient to borrow. To raise money for works, which by good arrangements will prove productive, is very different from borrowing money to construct works, which, however important, will not only be unproductive, but actually entail further outlay annually to maintain them.

10. Another argument against contenting ourselves with so small a margin as the proposed Budget for 1865-66 affords is the uncertainty of the large item of income expected from opium. This is put down at 7,723,600 £, but for two years this source of revenue has largely fallen short of the estimates; and there is no security that this may not occur again.

11. Further, it must not be forgotten that our cash balances have fallen off within the last four years from 19 millions to something less than 11 millions, notwithstanding that we have supplemented our means by the sale of a million in Government paper. It is true that during this period we have paid off some millions of debt; but, on the other hand, some of the funds thus employed consisted of money which we had actually borrowed.

12. Independently of the certain demands which the State will have to meet next year, others may arise which have not yet been foreseen. We have, also, sold Government lands in Bengal, and confiscated estates in the North-West Provinces, but cannot expect much more revenue from such means.

13. It has been my earnest desire, ever since the Income Tax was established, that I might see the day when it could be fairly given up. And of course the circumstance that it would conduce to the credit of my administration, if it be now allowed to lapse, has not diminished this wish. But I view with apprehension the loss of this source of income under present circumstances. It is very easy to give up a tax, but it is still more difficult to revive it. If my Honourable Colleagues will neither aid me in the necessary measures for continuing the Income Tax, nor will consent to any partial substitution of other taxes, I have no course but to give way; but I hereby place on record my protest against this policy.

John Lawrence.

Enclosure 2 in No. 4.

MINUTE by the Honourable Sir C. E. Trevelyan, K.C.B., dated 3 April 1865.

WITH the utmost respect I venture to observe that his Excellency the Governor General is mistaken in supposing that I at any time felt a decided objection to other taxes being imposed to supply in part the loss of the Income Tax. I myself suggested taxes—which, I said, might be applied to that object, although I doubted whether they were necessary—to the annual amount of about 600,000 L., half of them being the export duties which have actually been imposed, and the other half an additional duty of two annas a maund on salt.

The discussion in Council turned almost entirely upon the expediency or otherwise of renewing the Income Tax. The question of imposing supplementary taxes was never pressed on the Council for decision. If it had been, I should have yielded to the wishes of the Governor General, as I afterwards at once did when he sent me his Minute, upon which I am submitting these observations.

Upon receiving the Governor General's Minute, I consulted with Mr. Harington and Mr. Grey, and, after I had obtained their consent, I waited upon the Governor General and told him that we agreed to the imposition of the additional taxes; upon which his Excellency said that he concurred in the export duties, but objected to the additional two annas upon salt, and so the measure was confined to the export duties.

His Excellency observes, in reference to the total estimated expenditure of ten millions sterling for barracks and defensive works, "much stress has been laid on the circumstance that we have recommended to the Secretary of State that a large portion of this sum should be borrowed. I consented to this proposal because I was led to believe that the finances were in that condition that there was no choice between borrowing or postponing these necessary, I may say urgent, works. I understood at that time distinctly that there was almost a certainty of there being a large deficit on the financial results of the year. Up to that time the prospects of the harvest in Upper India were very unsatisfactory, and large demands of one kind or other had poured in on the Government. I do not anticipate, I do not desire, that, under any circumstances likely to occur, we should not borrow some portion of that part of the ten millions required each year, where it may exceed a certain sum. I have no wish that all should be defrayed from current income; all I suggested is, that we should not give up any considerable amount of the revenue we now have under present circumstances."

The first practical step taken to give effect to the intentions of the Government on this subject was that I submitted to the Governor General a paper from which I shall extract all the parts relevant to the present subject; and, after I had obtained his Excellency's concurrence, this paper was circulated among the Members of Council.

"Calcutta, 22 December 1864.

"Although I entertain the strongest objection to borrowing, and was beginning to be alarmed at the proposed addition of Irrigation Loans to the Railway Guarantee System, I must admit that a case has occurred which seems to justify an exception being made. Seven or eight millions will be required for new barracks and other military buildings; and, as the object is to improve the health of the European troops, the works must be completed in the shortest possible time. So large a sum could not be provided, even in four years, from the ordinary revenue, without either imposing additional taxation or limiting the sum applicable to roads, gaols, and other works, to a very considerable extent; while the object is of such a permanent character that the burden ought in fairness to be spread over a considerable

a considerable period. The case seems to be, as nearly as possible, parallel to that of the Dockyard Fortifications, and I think it should be dealt with in a similar way—by a loan raised expressly for the object, and strictly appropriated to it.

* * * * *

“The general subject of Public Works has also got into a state which requires a clear understanding as to the course to be adopted. There was no difficulty while the action of the Government was confined to necessary buildings and a few roads and bridges; but, since the mutiny and the American war, a new view has been taken. The pressure upon the Government of India from the local Governments for works of all kinds has become extreme, and it is not confined to the Budget Estimates; for, acting under a mistaken view of the discretion vested in them of authorising works within certain limits, the local Governments commence new works which have not been provided for in the Budget, and come to us throughout the year with urgent applications for additional grants to prevent the stoppage of Budget works as well as for other works, the speedy execution of which is for any reason desired.

“The Public Works Establishments, which were at first unequal to the new demands upon them, have also become capable of much greater exertions; and, instead of unspent surpluses at the end of the year, the demand is now for more money to keep the establishments employed.

“In short, the demands upon us are measured only by the wants of the country; and, as those wants are unlimited, while the surplus of the revenue over the necessary expenditure amounts only to a moderate annual sum, a state of things has arisen which threatens serious consequences to our finances.

“It is objectionable, both in an economical and political point of view, to impose heavy taxation for works of improvement. The best employment of money of all is that which the industrial classes make of their annual savings for their own advantage; and it is of no real benefit to the community to interfere seriously with this, and to cause general harassment and discontent, in order to accelerate the execution of public works. It would also be unjust to the existing generation to place an undue burden upon it for works which are intended for all time to come.

“It is plain, therefore, that the demands upon the Exchequer for Public Works must be based, not upon the wants of the country, but upon what we can afford to give from year to year upon a general view of the state of the finances and of the other interests with the protection of which the Government is charged. Almost an entire outfit of Public Works has to be provided for this great country; and, if we had it, we might spend 20,000,000 *l.* a year and yet not do enough. What we can afford to give ought to be carefully considered and clearly laid down, and the fairest possible allotment of it ought to be made among the local Governments according to their respective circumstances. They should also be made to understand that, when the Supreme Government has thus appropriated to Public Works as much as the finances will allow, the arrangement must be considered final; and, if new wants arise in the course of the year, they must be provided for, not by additional grants, but by a re-appropriation of a portion of their existing allotment.

“There will also be this important incidental advantage that, when it is clearly seen what the Government of India can and cannot do, the local Governments will be stimulated to provide for the remainder, as far as possible, from funds locally raised, which they will never do while indefinite expectations are directed towards the central Exchequer. Take the single case of roads. The more are made, the more are seen to be wanted, and the expense of repairs increases in proportion. It is simply impossible that all the roads that are required can be made by appropriations out of the annual Public Works Grant. If this need really is to be supplied, it must be by local cess upon those more immediately interested. The Government of India may undertake a few trunk lines, but the innumerable branches must be otherwise provided for.”

The final proposals of the Government were conveyed to the Secretary of State in our Despatch dated the 12th January last (No. 10), in which the following passage occurs:—

“The total amount to be provided for in each of the next four or five years will, therefore, be—

“1st, Civil Works	-	-	-	-	-	£. 3,450,000
2d, Repairs of Military Works	-	-	-	-	-	250,000

and 3d, as much of the 10,000,000 *l.* for new Military Works as can with advantage be expended within the year.

“This is in addition to the two railway items for supervision and cost of land and ‘Railway Exchange’ which have hitherto been included in the grant for Public Works, and which together amount in the current year to 566,400 *l.*

“It would, obviously, be impossible to provide such an annual amount from the revenue of the year, in addition to all the other demands upon it, without an increase of taxation, which would interfere with the prosperity and contentment of the people. Neither would it be just to impose on the existing generation the entire charge for works which are intended for the public service for all time to come. This remark applies in a particular manner to the new Military Buildings which furnish a close parallel to the Dockyard Fortifications in England, the cost of which has been provided by a loan.

“We propose, therefore, that as large a proportion as possible of the annual charge for the new Military Works should be defrayed from the annual revenue, and that the remainder

should be raised by loan. We are also of opinion that the sum annually required for this purpose should be borrowed in the English market," &c. &c.

It is evident from these extracts that the proposal to raise by loan a certain annual sum for Public Works was formed in the month of December, independently of the then actual state of the finances. There is no mention in any of the papers of an unsatisfactory state of the finances or of a probability of a deficit. We had become aware in July of the large expenditure for opium for the previous year 1863-64, but the great increase which subsequently appeared in the Military Expenditure was not known to us until March. The proposal had no reference to the circumstances of any particular year, but was based upon the principle that, "considering the total amount to be provided for in each of *the next four or five years*, it would be impossible to provide such an *annual* amount from the revenue of the year, in addition to all the other demands upon it, without an increase of taxation which would interfere," &c. For my part, I certainly should not have agreed to the extremely large grant for Public Works, including the new Military Works, if it had been proposed to raise the whole of the money out of the revenue of the year, and such, I believe, would also have been the view of some of my colleagues.

His Excellency remarks that he has no wish that all should be defrayed from current income, and that all he suggests is, that we should not give up any considerable amount of revenue we now have under present circumstances.

But, in allowing the Income Tax to expire, we cannot be said to be "giving up" any portion of the revenue. The Act concludes with this emphatic clause—"This Act shall commence and take effect from and after the 31st of July 1860, and, together with the duties therein contained, shall continue in force till the 1st of August 1865, and no longer," which was in accordance with the declarations contained in the speech made by Mr. Wilson when he introduced it, that it was to be enacted only "for a limited period with a view to meet the present emergency," and that "the Income Tax was to be taken only for five years."

If, therefore, the Income Tax is renewed, or, in other words, if a new Income Tax is passed, it will be as completely additional taxation as if it were a Succession Tax, or any other tax.

The case is even stronger than this; for we are under a moral obligation not to renew the Income Tax, except in the event of imperative necessity.

This point is put with perfect correctness in Mr. Laing's Financial Statement for 1862-63, in the following words:—

"One paramount consideration has to be weighed, *i. e.*, whether the Income Tax is to be looked upon as a permanent or a temporary measure.

"Upon this point I have myself no doubt. The tax was imposed for a limited period, and, at all hazards, we must try to keep faith with the people of India by not prolonging it.

"It is, of course, impossible to give any absolute pledge as to what may occur three years hence. Necessity knows no law, and unforeseen events may upset all calculations. But the question is, are we to look upon the implied pledge given, by passing the Income Tax for five years only, as a serious promise which we must strain every nerve to fulfil, or are we to follow the example of England and treat it as one of those common forms which, like lovers' vows, are only made to be broken?

"It is my firm conviction that the latter course would be alike wrong and impolitic."

In the face of the surplus shown by the Estimates for 1865-66, and of the strong reason which exists for believing that every probable financial exigency can be met by a moderate increase of export and import duties, including the duty upon salt, it would, in my opinion, be a breach of public faith to re-impose the Income Tax.

It ought to be a subject of deep thankfulness that we have been able to allow the Income Tax to expire. Great, mixed, half-civilized populations are influenced rather by facts than by explanations. Nothing we could have said would have averted the evil consequences to our reputation for good faith, and to the state of public feeling towards us, if we had been obliged to continue the tax. The expiration of the tax will do more to secure for us the confidence of the people of India, and to confirm the present peaceful, prosperous state of things, than anything else that could have happened.

His Excellency remarks that the people of England are a homogeneous race, closely bound together by the strongest ties, that the very reverse is the case in India, and that we shall do well to keep our public debt down as low as possible, so that in times of difficulty we may possess the greater credit, and be able to work, as far as practicable, unshackled.

I quite agree in the importance of keeping our public debt as low as circumstances permit, but, at present, the public credit is chiefly concerned in the Income Tax being allowed to expire at the time appointed by law. It is because the people of India are not a homogeneous people, bound to us by natural ties, that it is so important that we should observe towards them a line of conduct which is not capable of being misunderstood. The ties which bind them to us are their confidence in our justice and good faith. Even in a strictly financial point of view, I am persuaded that it will be more for our advantage to allow the Income Tax to expire. If it were renewed under the actual circumstances, we should find it difficult ever to obtain belief in our assurances again; but, as it is, our credit will be at the highest. The expiration of the tax will be accepted as an act of disinterested good faith; and, if new exigencies arise, we shall find it easier to meet them, either by the re-imposition of the Income Tax, or in some other way, *because we shall be believed.*

His Excellency adverts to the uncertainty of the opium revenue and the reduction of the cash balances. The estimate of the opium revenue for the next year is 476,400 *l.* less than that for this year; and, for the reasons explained in my financial statement, I think it will be realised. The cash balances were unnecessarily high. According to the arrangements that have been made, they will be sufficient with proper management.

C. E. Trevelyan.

Enclosure 3 in No. 4.

MINUTE by the Honourable *G. N. Taylor*, dated 7 April 1865.

As I have only recently joined the Governor General's Council, and was no party to the discussion which has called forth the present Minutes, I deem it unnecessary to record any observations either in favour of or against the policy adopted by the Government in reference to the Income Tax, in accordance with the views of the majority of the Council.

G. N. Taylor.

— No. 5. —

The Governor General of India in Council to the Secretary of State for India.

Financial (Separate Revenue) Department,
Fort William, 17 April 1865. (No. 14.)

Sir,

IN continuation of our letter, No. 13, dated the 8th instant, we have the honour to transmit, for your information, copy of a Minute, dated the 13th idem, relating to the Income Tax, which has been recorded by the Honourable *H. B. Harington* and the Honourable *W. Grey*.

We have, &c.

John Lawrence.

H. B. Harington.

W. Grey.

W. Massey.

Enclosure 1 in No. 5.

MINUTE by the Honourable *H. B. Harington* and the Honourable *W. Grey*, dated 13 April 1865.

THE Minute put on record by the Governor General renders it necessary that we should state the considerations which led us to think it right that the Income Tax should not be re-imposed.

In coming to this conclusion, we were chiefly influenced by a belief that the Government had pledged its faith to the people that the tax should not be re-imposed, unless the financial condition of the country should be such as to make the imposition of such a tax an imperative necessity.

To explain the grounds of this belief, we must refer somewhat fully to the circumstances under which the Income Tax was imposed in 1860, and to the declarations of the Government at that time and subsequently. And, if it should be thought that the circumstance of our having been present in India at the time of the imposition of the tax causes us to lay undue stress on this point, we would say that we certainly do retain a lively recollection of the feelings which then existed on the part of both the public and the Government,—the latter sensible and freely admitting that they were about to impose a tax very distasteful to the native population, and quite opposed to their ideas, and to everything that they had been accustomed to in the way of taxation for State purposes, and therefore requiring the strongest possible case of necessity for its imposition to be established,—and the former (for the most part) yielding to the conviction of the real and inevitable exigency of the case, taking an honest pride in refraining from all attempts to embarrass the Government by opposition or remonstrance, and relying with a generous confidence on the reiterated assurance of the Government that the tax was proposed only as a temporary measure, to enable the Government to overcome the disorder into which the finances had been thrown by the expenditure of 1857 to 1859.

In his first announcement of the intention of Government to levy an Income Tax,
345. E 3 Mr. Wilson

Mr. Wilson dwelt with great emphasis on the exceptional character of the difficulty that had to be encountered :—

"I have pointed out," he said, "without the slightest reserve, the predicament in which we stand. I have shown how infinitely worse it is than any similar occasion recorded in India, or the most pressing modern crisis in England."

The position which Mr. Wilson put before the Council and the country was this, that there would be a deficit for the year then drawing to a close (1859-60) of more than nine millions, and that, without decisive measures, a deficit was to be looked for in the following year of more than six millions :—

"We are, therefore," he said, "reluctantly compelled to propose to increase the revenue by the imposition of new taxes, and these we propose to be of two classes, the one (meaning the Income Tax) we shall propose to enact only for a limited period, with a view to the present emergency." * * *

And in a later speech, Mr. Wilson, referring to an unexpected opposition to the measure which had intermediately arisen, took occasion to state, in the strongest language, the conviction of the Government of "the imperative necessity of persevering with the measure." He said :—

"Let me again assure the Council that the decision at which we arrived was not taken lightly, nor without the most searching and rigid investigation into the condition of the finances of the Empire, and the deepest conviction that nothing less than we proposed could save the country from the impending bankruptcy with which it had been for some time threatened."

In moving the second reading of the Income Tax Bill also, Mr. Wilson elaborately defended the Government against the charge of needlessly imposing new taxes, and in doing so he referred emphatically more than once to the temporary character of the Bill, his final words on the point towards the close of his speech being as follows :—

"The limit of the Bill in its duration is five years, and in its amount of tax two and four per cent., and, as far as human foresight can predict, the Government feels assured that those limits will not be extended. This, at least, I can positively say, that there is not the most remote intention of extending the one or the other."

Finally, when the Income Tax Act was passed, the concluding section was framed in the following terms :—

"This Act shall commence to take effect from and after the 31st day of July 1860, and together with the duties therein contained shall continue in force until the 1st day of August 1865, and no longer."

It does not appear that in 1861 there was any specific reference in the financial statement to the prospective loss of the Income Tax, but in each of the three following years the Government has distinctly spoken of it.

In 1862, Mr. Laing, in speaking of the Income Tax, made use of the following language :—

"There is one paramount consideration which has to be weighed, viz., whether the Income Tax is to be looked upon as a permanent or a temporary measure.

"Upon this point I have myself no doubt. The tax was imposed for a limited term, and, at all hazards, we must strive to keep faith with the people of India by not prolonging it.

"It is, of course, impossible to give any absolute pledge as to what may occur three years hence. Necessity knows no law, and unforeseen events may upset all calculations. But the question is, are we to look on the implied pledge given by passing the Income Tax Act, for five years only, as a serious promise which we must strain every nerve to fulfil, or are we to follow the example of England and treat it as one of those common forms, which like 'lovers' vows,' are only made to be broken?

"It is my firm conviction that the latter course would be alike wrong and impolitic.

"The people of England can understand that, whatever a Chancellor of the Exchequer may say, to round a period or elicit a cheer, the Income Tax cannot be repealed unless they are prepared either to abdicate the position of a first-rate power by disarming, or to retrace the steps of Sir Robert Peel's legislation by imposing crushing duties on commerce and consumption.

"But the people of India see no such reasons for continuing the Indian Income Tax, and they would simply feel that the Government, having got the tax on false pretences, was determined to keep it.

"Now, if there is one thing more than another on which our Indian Empire is based, it is on our character for speaking truth. The idea that the 'word of the British Government is as good as its bond' is the keystone of the fabric of our power in the East."

* * * * *

"Hence, without in any way pledging the Government as to what may or may not be possible three years hence, I venture to say this, that, in my judgment, the main object to which the financial policy of the Government should now be directed, is to keep faith with India by getting rid of the Income Tax. That will be the great object of my endeavours as long as I continue responsible for Indian finance, and, when I leave, it is the legacy I should wish to leave to my successor."

And

And further on in the same speech, Mr. Laing, referring to the European population in India, said :—

“ I do not believe in ignorant impatience of taxation on the part of educated gentlemen, like the great majority of the official and non-official Europeans in India, when they are fairly dealt with. On the contrary, I am convinced that, however strongly they may feel the natural desire of everybody to escape his own peculiar burden, they will be satisfied with the assurance that the Government is sincerely desirous not to perpetuate the Income Tax, and with the pledge given for the future by the remissions already made.”

In 1863, the cessation of the Income Tax in 1865 was referred to as a thing of course.

“ Of the taxes originally proposed ” (Sir Charles Trevelyan observed), “ the Income Tax alone came into operation, and by subsequent legislation incomes less than 50*l.* a year were exempted, and the assessments first made were accepted until the tax expires in August 1865.

“ It is satisfactory to the Government that the state of the finances enables them, to a certain extent, to anticipate that period, and they propose that one per cent. of the Income Tax shall be remitted from the 1st August next.”

And in 1864, Sir Charles Trevelyan said,—

“ At this point it becomes necessary to review our position. The Income Tax will expire on the 31st July 1865. * * * * ”

But not only was the imposition of the Income Tax accompanied by the positive assurances which have been quoted, that the tax would not be continued beyond the specific period for which it was imposed, unless any unforeseen circumstances should arise rendering its re-imposition a necessity, but the instructions given to the local governments, enjoining great caution on their part in the introduction of the measure, led to two of those governments reiterating, in the proclamations issued by them, the pledge or assurance of the Government of India as to the temporary nature of the tax.

The Government of Bombay said,—

“ Government, after anxious consideration, have resolved that for a few years a tax shall be paid by all classes of the people, according to their means; ” and again, “ moreover, whoever desires it, may at once settle a fixed annual sum to be paid by him for three or five years, and thus avoid all future trouble and inquiry.”

The proclamation issued by the Lieutenant Governor of the North Western Provinces was even more distinct upon this point. He told the people that the law which had been passed by the Legislative Council for the imposition of the tax would be in force for five years only, from the 1st August 1860, and, on the strength of this assurance, and with reference to the other circumstances stated in the earlier part of the proclamation, he called upon all the subjects of Her Majesty in the provinces under his Government “ to give obedience to this law, to assist the collectors of the several districts and the other officers of Government in carrying out its provisions, either by making voluntary returns of their income, which would be accepted by the collector without further inquiry, unless he should have good reason to suspect their correctness, or by combining and assessing themselves in the lump in the way of panchayat, to the satisfaction of the collector, or by rendering assistance and information to the collectors and other officers aforesaid.”

These notifications were fully approved by the Government of India.

We have referred to what was stated by Mr. Laing in 1862, in allusion to the remissions which had been made by the Government, as furnishing proof of the desire and intention of the Government to redeem the pledges given at the time of the imposition of the Income Tax, that it would not be continued after the five years fixed for its duration if it could possibly be avoided. These remissions consisted in the relief of two-thirds of the Income Tax payers absolutely from the payment of the tax; and, in addition, the law which was introduced before the Income Tax Act had been a twelvemonth in operation, dispensing with new returns and inquiries, and authorising the taking of the first year's assessment for the following year, unless in case of fraud or manifest inadequacy, or where the party himself wished to re-open the question, was renewed on Mr. Laing's motion for the remainder of the time that the Income Tax Act was to continue in force, viz., until the 31st July of the current year, and a provision was added that parties who desired it might pay up *once for all* their remaining assessment.

It appears, then, that the Income Tax was imposed originally to meet a most grave crisis, which (again to quote Mr. Wilson's words) was “ undermining the credit of the State and threatening our finances with irreparable disorder and confusion,”—that it was imposed under the strongest assurance that it would cease at the end of five years,—and that up to the present financial year the Government has consistently used language and taken measures calculated to confirm that assurance.*

Now, what is the case, *viewed at its worst*, which has caused an issue to be raised as to the propriety of fulfilling the expectation thus given to the public?

The

* We have ourselves never doubted that it was the serious wish and intention of the Government that the Income Tax should cease at the time appointed by the law of 1860, unless some fresh and grave emergency should arise compelling its re-imposition; and on this ground we demurred to the expediency of the measures which Sir Charles Trevelyan at first proposed in connection with his Budget for 1863-64. We append to this Minute a copy of the observations which we then submitted for the consideration of the Governor General (who was absent from Calcutta), in reference to the measures proposed at that time by Sir Charles Trevelyan.

The estimated receipts for 1865-66, excluding the proposed loan and also the additional export duties, amount to 46,548,760 £., and the estimated expenditure to 47,204,450 £., thus showing an estimated deficit of 655,690 £.

Now, even if the case stood barely thus, we do not think that those could be condemned as wholly unreasonable who should urge the Government to face this possible prospective deficit rather than not "keep faith with India by getting rid of the Income Tax." But the case of the public against the Government would be very insufficiently urged, without a reference to the proceedings of Government since the imposition of the Income Tax.

Can it be truly said that the main object to which the financial policy of the Government has been directed has been to keep faith with India by getting rid of the Income Tax? Or, to use Sir Charles Trevelyan's words, can it be truly said that the Government has done its utmost to have a large available surplus of income over expenditure, in order to be prepared for the expiration of the Income Tax?

First, as regards income, it is to be observed that the annual income from Customs has been diminished since 1860 by various reductions of import duties to an amount of certainly not less than 350,000 £. Next, as regards expenditure, it cannot be denied that it has been on a most liberal scale, and that very considerable and extensive administrative improvements have been effected during the last few years.

We will not lengthen this paper by making further quotations from the speeches by which the Income Tax was ushered in, but every one must recollect that, if there was any one point more earnestly dwelt on than another, it was that the Government had been doing, and would persevere in doing, everything that was possible to restrict expenditure.

Now, we doubt whether a close scrutiny of our course during the last four years would establish that this pledge has been fully acted up to. We incline to think that the spirit of most, if not all, of those who have been able to influence expenditure has been working strongly in the direction against which Sir Charles Trevelyan has given a very wise warning in the following words of his last financial statement:—

"Although we are working up to an advanced European standard, we should remember that India is still in a backward undeveloped state, and we ought not to attempt to arrive *per saltum* at a complete administrative machinery in advance of our resources."

We call to mind what seems to us a striking instance of the course thus deprecated by Sir Charles Trevelyan, in the case of the Madras Police.

A scheme, supposed to have been very carefully considered, for re-organizing the police of the Madras Presidency, was sanctioned by the Secretary of State in 1859, at an estimated cost of 25 lakhs of rupees. We believe the present cost of the Madras Police is very little short of 40 lakhs of rupees, and, while we are far from saying that any of this money is uselessly spent, and while we have no doubt that the organisation of the force reflects the greatest credit on the able and zealous Inspector General of Police in the Madras Presidency, we do feel very certain that this is an instance in which we have aimed at a higher standard than our circumstances warranted, and that for some lakhs less there might have been provided a very efficient and creditable force, though, of course, not so complete in all its parts as the present force is. Indeed, we are satisfied that, if all our administrative (including our judicial) machinery throughout India were raised *per saltum* to the same standard as that which has been reached by the Madras Police, the finances would be quickly broken down, and we must add that we entirely agree with Sir Charles Trevelyan in thinking that some check is required to the tendency now so prevalent among all classes of public servants to demand increase of the public expenditure with the least possible regard to the means which exist for meeting their demands.

In speaking of the expenditure, it is of course impossible to pass by the expenditure on public works without specific remark, for the real issue on the present occasion has been whether, assuming it to be necessary to provide for so large an expenditure on public works as 5,888,000 £., it was obligatory on the Government to provide that large sum out of revenue, involving, as it must, the imposition of a fresh Income Tax, or whether it was legitimate, under all the circumstances of the position, to borrow some portion of the amount.

The expenditure on public works has increased so largely within the last few years, from an actual expenditure of a little over four millions in 1860-61 to an estimated expenditure for 1865-66 of nearly six millions, that it seems not unreasonable to look to some other source than annual revenue to enable the Government to meet so large an outlay.

This does not seem to be an occasion appropriate for a discussion of the general question of borrowing for public works; but we wish to remark that a rule which would rigidly restrict borrowing to those works from which a direct return in the shape of an annual income is expected, such as railways and works of irrigation, does not appear to us to stand upon any certain and unquestionable principle. If the State is paying a large sum annually as rent for buildings occupied for the public service, it is obvious that there may be, in the shape of rent saved, a full return upon capital expended in the construction of public offices. Therefore it may be said with exact correctness, that the State, in borrowing money for the construction of public buildings, may, in some cases, be merely substituting a liability, perhaps a diminished* liability, in the form of interest, for a liability which previously existed in the form of rent, and in other cases where a new liability in the form of a payment for interest is for the first time created, it may, with equal correctness, be said that what is really done

* It was expected by the Committee, of which the late Lieutenant Colonel Patrick Stewart was President, that a considerable saving would be effected by the construction of public offices in Calcutta.

done is to impose on the general income of the State, in subsequent years, a rentcharge for the use of buildings occupied for the public service. In principle there does not appear to be anything objectionable in such an arrangement; and, as a question of practical fitness, it will surely be admitted that the circumstances of a country, or of a Government, may be such as to make it better to lay the cost of public buildings upon the people in this form, rather than to raise additional taxes in order to pay for the buildings outright. If ever there was a case in which the former course was justifiable and expedient, we think it is to be found in the very special and exceptional circumstances of the present occasion.

In expressing our opinion, that it is justifiable on the present occasion to look to some other source than annual revenue to enable the Government to meet the large outlay for public works, we desire, further, very particularly to point out that besides reduction of taxation and increase of expenditure, the available means of the Government during the last four years have been diminished in another way. The Government has, during the last three years, paid off a large amount of debt, and has, thereby, reduced the cash balances to a low point.

It is impossible to avoid observing how materially the position of the Government, and, by consequence, its policy, may be affected by the course taken in a matter of this sort by the Financial Member of Council of the day. Sir Charles Trevelyan has held the view that the cash balances should be kept as low as possible, all surplus funds being "utilised for the public service," or, in other words, that they should be employed in extinguishing debt.

Sir Charles Trevelyan's predecessor held quite another view: "I earnestly trust" (he said in his statement of April 1862) "that no Government of India will ever leave itself without this, which is the first and best of all reserves, an available 3,000,000 £. or 4,000,000 £. in hard cash, on which it can lay its hands at any moment."

Whichever of these views may be in the long run the safer and more prudent one, we cannot help thinking that it would have been better, with the expiration of the Income Tax in prospect, and with the knowledge which we had that an extraordinary expenditure on Military Public Works was sooner or later inevitable, if our cash balances had been maintained at a higher figure. And we would urge that the fact that the surplus cash balances have been, during the last two years, so largely employed in extinguishing debt, and that no portion of them has been hitherto applied to meet expenditure on public works, though this was at one time expressly authorised by the Secretary of State to the extent of three millions, surely very much strengthens the case for borrowing in order to meet the extraordinary expenditure now required for the new barracks, rather than re-impose an Income Tax. If the surplus cash balances had not been applied quite so largely to the extinction of debt, and if they now stood at, say, thirteen or fourteen millions, instead of at less than eleven and a half, we cannot conceive that any one, carefully regarding the conditions under which the Income Tax was imposed, would have hesitated to face a possible deficit of half a million in order to keep faith with the country as to that tax. Indeed, to re-impose an Income Tax in order to provide for the special military works about to be commenced, having first used up all our surplus balances for the extinction of debt, though with the full knowledge that this extraordinary expenditure was impending, might well seem to the people of India, as if, notwithstanding all the assurances given to them, our proceedings had been purposely regulated so as to render the re-imposition of the Income Tax an apparent necessity, and to fix it as a permanent burden upon them.

We would conclude by expressing our concurrence with Sir Charles Trevelyan that the course now adopted of allowing the Income Tax to expire at the time fixed for its termination, so far from creating any difficulty in the way of re-imposing the tax at a future period, should an emergency occur justifying its re-imposition, will have the opposite effect. The necessity for re-imposing the tax being made apparent to the people, they will the more cheerfully submit to its payment when they recollect the good faith of the Government in now discontinuing the tax in fulfilment of the promise given at the time of its introduction, and they will look forward with confident hope to the period when the state of the finances will again admit of the Government relieving them from the impost. We earnestly trust, however, that it may be long before such an emergency will again arise as to demand the levy of an Income Tax, for it is beyond all question that no tax can be more unsuited to the circumstances of any country than an Income Tax is to the circumstances of India. If proof of this is asked for, we would refer to the actual experience of the tax which is now expiring. A brief, and we believe quite correct, statement of this is contained in the extract given below* from a confidential report as to the best mode of re-imposing an Income Tax which was made

* We have adopted the classification principle of Mr. Harington and Mr. Laing for unreturned incomes not exceeding 10,000 rupees, as well as for returned incomes within the limit which may be deemed subject to surcharge. In doing this, we have acted on the conviction that we only formularise and simplify the practice which was generally observed by the officers who conducted the imperfect assessment of 1860-61, which, under the operation of subsequent laws, is still current. The experience of those Members of our Committee who have superintended the administration of the Act quite bears out the Honourable Mr. Laing in the description which he gave of the character of that assessment in paragraph 7 of his Minute of 1861:—

"Evasion is so entirely the rule, that all forms and returns are declared to be perfectly useless, and surcharge, or, in other words, arbitrary assessment, made almost at random, has been universally necessary to attain anything like a decent financial result."

In fact, the object in calling for returns has not been understood by the majority of the people as an invitation to assess themselves, and the assessor has been driven, as a rule, to exercise his functions, without their co-operation, and "to the best of his ability"!

Mr. A. Grote. made to Government, a few weeks ago, by five* of its most experienced public servants, representing the five separate local Governments. But we fear that our hope will not be realised, unless expenditure is subjected to a sterner control than the Central Government, under the exhilarating influence of a rapid transition from impending bankruptcy to a surplus, has cared to exercise during the last few years.

H. B. Harington.
W. Grey.

Enclosure 2, in No. 5.

MINUTE by the Honourable H. B. Harington, dated 11 April 1863.

IT is, of course, very satisfactory to find that, according to the statement which has been laid before us confidentially, the estimated receipts for the year 1863-64 will exceed the estimated expenditure by 920,500 *l.*; but this surplus falls very far short of the sum yielded by the Income Tax (1,591,200 *l.*), which the Government has pledged itself to give up on the 31st July 1865, or in little more than two years and three months from this date, unless some unforeseen event should intermediately occur rendering the continuance of the tax a necessity. It is right, too, that I should mention that a considerable portion of the expected surplus, or upwards of one-third, will be composed of what cannot, in my opinion, be properly regarded as ordinary or current revenue, viz. :—

On account of sale proceeds of Khas Mehals	-	-	-	£. 130,000
Ditto ditto, ships, &c., not to be replaced	-	-	-	200,000
TOTAL				£. 330,000

I see no reason to suppose that, whether by an increase of revenue or a reduction of expenditure, or by the two combined, the ordinary income of India will, in the course of the next two or three years, exceed the yearly expenditure by the sum to be given up on account of Income Tax, so as to admit of the abandonment of that tax without causing a deficiency. It is calculated that the income of 1863-64 will exceed the income of 1862-63 by only 50,000 *l.*, notwithstanding the inclusion in the income of the coming year of the two items above-mentioned, the first of which exceeds the corresponding item in the receipts of the year now closing by 30,000 *l.*, and the second item is, I suspect, very much in excess of any sum realised in 1862-63 by the sale of ships and marine stores.

I learn it is expected that the Commission, which it is proposed to constitute to inquire into Civil Establishments, will lead to a considerable reduction of expenditure. I confess that I do not share in this expectation. Here and there it may be found possible to get rid of a clerk or some other inferior officer; but the inquiry, if it has any result, will, I think, show that our native officials generally are greatly underpaid, and that whatever sum may be saved by the abolition of a few offices will be more than absorbed in the large additions which it will be found absolutely necessary to make to the salaries of the offices proposed to be retained. In the lower provinces of Bengal alone an increase of upwards of 40,000 *l.* has been asked for to the sum now allowed for the judicial establishments of those provinces.

Under these circumstances, it certainly does appear to me very questionable whether we should at this time reduce any permanent source of income, and thereby run the risk of not being able to give up the Income Tax at the promised time without creating a deficiency; and, upon the whole, I think the safest plan will be to abstain, for the present, from proposing the reduction of any duties or taxes. It does not seem to me to be necessary that the Government of India should hold itself bound, whenever at the end of any year it finds that it has some surplus of revenue over expenditure, at once to get rid of the surplus by reducing duties of Customs or other taxes, unless in the case of any particular duty or tax there should be a strong necessity, or an urgent call for a remission or reduction. No such necessity or call exists at present so far as I know, especially as respects any of the articles the duties of Customs on which it is proposed to reduce.

A legitimate means of disposing of any surplus revenue is always at hand in the liquidation of public debt, whereby expenditure is reduced to the extent of the interest on the amount of the debt paid off. A permanent benefit is thus secured, and the resources of the country remain undiminished.

If, however, the public here and at home will not be satisfied unless, following the English custom, we apply some or the greater portion of the expected surplus of the coming financial year to the reduction of taxes, or take measures to prevent that surplus from accruing, wholly or in part, by remitting or reducing taxes, then I submit the reduction should be in the direction in which there must be an entire remission the year after next, and either one or two per cent. of the Income Tax should be given up on the 31st July. I should prefer the smaller sum. The abandonment of the remaining portion of the tax would thus be rendered, at the promised time a more easy matter, and when that time arrives we should find our other sources of revenue unimpaired.

The whole, or the greater portion of the European and Native community who are liable to

to Income Tax would hail as a great boon a reduction of its amount, however small, and any reduction now would afford an additional pledge on the part of the Government to the entire Indian community that, subject to the provision already mentioned, the whole tax would cease at the end of five years from the time when it was first levied, that being the period fixed by law for the duration of the tax. I believe that there is a very general expectation amongst all classes of the community that any surplus revenue, now accruing, will be applied to the reduction of the Income Tax, which is felt to bear very heavily by the majority of those who pay it. I do not find that there is the same expectation in respect to the reduction of any other tax or duty.

It must be remembered that the Income Tax was the last of the "War" taxes imposed in consequence of the mutinies [the license duty was never levied], and the people of India, whether reasonably or otherwise, certainly do expect that, if, by reason of the cessation of the "War" and the consequent reduction of expenditure, a reduction of taxation is practicable, the tax last imposed, and the imposition of which only the urgency of the case justified, should be the first to be reduced.

I beg it to be understood that I am not in favour of any reduction of the Income Tax at the present time. I should prefer to let the law run its course. It is only under the supposition that an obligation rests upon us at once to reduce our sources of revenue in order that our income may not greatly exceed our expenditure, or to get rid of a surplus, that I would give my vote in favour of a reduction of the Income Tax in preference to any other tax or duty.

I do not think that we could allow the Income Tax to remain as at present, and at the same time reduce the duties of Customs on the articles now liable to a 10 per cent. duty *ad valorem*, without laying ourselves open to the charge of favouring the European community. The articles on which a reduction of duty is proposed are used chiefly by that portion of the European community which can best afford to pay any increased price caused by the existing rate of duty. There is no proof that the present rate interferes injuriously with trade, and there is really no reason to suppose that such is the case. I cannot, therefore, see the necessity of our sacrificing at this time any portion of the revenue derived from Custom duties.

I refrain from going into the question of reducing the duty on Bengal manufactured salt, or on salt imported into India by sea, because, as I am glad to find, the intention to propose a reduction of that duty has been abandoned. Had such a proposition been made, I should have considered it my duty to show cause against its adoption.

I will only add that, in all measures connected with taxation in India, the great advantage of indirect over direct taxation, in so far as the natives of India are concerned, should never I think, be lost sight of.

H. B. Harington.

Enclosure 3 in No. 5.

MINUTE by the Honourable W. Grey, dated 12 April 1863.

I AM unable to persuade myself that it is a proper measure to reduce generally the 10 per cent. Import Duties to 5 per cent., because I think that, while the Government lies under a pledge to the people of India to abolish the Income Tax at the expiration of the five years for which it was imposed—that time being now only two years distant—a surplus should not be applied to the reduction of other taxes, unless any tax can be pointed to as being open to some positive and strong objection; and because I think that, so far from there being any strong objection to the 10 per cent. Import Duties, they constitute, on the whole, one of the fairest and most legitimate sources of revenue we have.

There is no doubt that they were regarded in this light by both Mr. Wilson and Mr. Laing.

The first-named gentleman, when he said, in his financial statement of 1860, that, after closely analysing the Customs receipts, he saw reason to question the soundness of the measure which had raised the duty on a considerable number of articles to 20 per cent., expressed no doubt whatever regarding the increase to 10 per cent.; but, on the contrary, he plainly intimated that he considered that rate of duty fair and moderate,—for after stating the intention of the Government to reduce the 20 per cent. duties, and to establish a nearly uniform *ad valorem* duty of 10 per cent., he supported the general principle of Import Duties by remarking that of an Import Duty all that could be said was that it added to the cost, and was a tax on the consumer; that it only acted as a limit upon trade "if unduly high, as has been the case with our 20 per cent. articles." Thus, while we held the duty of 20 per cent. to be unduly high, and to have checked the consumption of those articles on which it was levied, he clearly regarded 10 per cent. as a duty which, while calculated to yield a considerable revenue, would not have any injurious effect upon trade.

Mr. Laing, in his financial statement of last April, expressed the same opinion with yet greater explicitness. After explaining the considerations which led the Government to reduce the Import Duties on piece goods and yarns, he said—"The same arguments

* * * do not apply to other articles of the tariff which are not extensively produced in

India as well as imported. A moderate duty, such as 10 per cent., on such articles is not an objectionable mode of raising the revenue."

I have cited the opinions of Mr. Wilson and Mr. Laing, because the present proposal to reduce the whole of the 10 per cent. duties is avowedly based on the assumption that the reduction will have the effect of freeing trade from an undue restriction under which it now suffers. In other words, it is assumed that a 10 per cent. *ad valorem* duty is not a moderate duty in reference to the articles of merchandise on which it is levied; but that it is, like the 20 per cent. duties reduced in 1860, "unduly high," and that it therefore acts as a limit on the trade in those articles.

The true question which is raised, then, is whether the *ad valorem* duty of 10 per cent. now levied upon most articles of import is or is not an undue restriction upon trade. Unless it is shown to be so, the proposed measure cannot correctly be spoken of as necessary in order to give freedom to trade. "The imposition of reasonable duties on imports and (in some cases) on exports is in no respect inconsistent with the freedom of trade"—a free trade meaning trade freed not from those necessary duties which are raised only for purposes of revenue, but trade freed from all charges or duties which arise either from an ignorant jealousy of other countries or from a foolish impression that it is our interest to foster unnatural productions in our own country rather than to receive them from other countries.
* * * *

Having always believed, then, that a 10 per cent. *ad valorem* duty on the generality of articles imported into India is a duty so moderate as in no way to restrict the trade in those articles—or at all events in the great majority of them—and that opinion having, as I have shown, been held also by both Mr. Wilson and Mr. Laing, I have sought to inquire, in considering the proposal to reduce the 10 per cent. duties by one-half, what evidence there is of their having operated hitherto as a restriction upon trade.

The only paper laid before the Council which bears on this point is a memorandum of Customs Import Duty received in Calcutta from 1859-60 to 1862-63, the return for the last year being partly estimated. At first sight, the figures of this memorandum are certainly startling—the duty received in 1859-60 having been 1,18,16,676 rupees, while for 1862-63 it is put down at only 67,17,025 rupees,—thus showing a falling off of nearly 51 lakhs. But of this large sum four-fifths, or more than 40 lakhs, is due to piece goods and yarns, the duties on which were reduced to 5 and 3½ per cent. last year, and which have no connection with the present question. There is a further loss of nearly four lakhs on wine, spirits and beer, which are also beside the present question. This reduces the decrease to be accounted for to a comparatively small sum; and that there should be some falling off of duty, as between 1859-60 and 1862-63, will not seem surprising, if it is recollected that, subsequently to 1859-60, the duty of 20 per cent., which was then chargeable on a considerable number of articles, has been reduced to 10 per cent., and that the several articles named on the margin* have been transferred to the list of free imports.

It seems to me that a truer view of the general progress of trade may be obtained from a statement showing the value of merchandise imported, and ranging over some considerable period of time. In this view I have prepared hastily, but I hope with accuracy, from Bonnaud's Commercial Reports, the following statement showing the annual value of merchandise imported into Calcutta† during the last eight years—from 1854-55 to 1861-62, omitting the items of piece goods, twist and yarn, and salt:—

	Rs.						
1854-55	-	-	-	-	-	-	2,41,81,143
1855-56	-	-	-	-	-	-	3,39,97,213
1856-57	-	-	-	-	-	-	3,55,67,103
1857-58	-	-	-	-	-	-	3,41,33,924
1858-59	-	-	-	-	-	-	4,43,77,846
1859-60	-	-	-	-	-	-	4,91,37,359
1860-61	-	-	-	-	-	-	4,49,57,362
1861-62	-	-	-	-	-	-	4,50,15,256

These figures do not seem to indicate any depression of the general trade. The average value of imports for the first four years of the series was 3,19,69,845 rupees; for the second four years it was 4,58,71,955 rupees. I think it is only by thus reviewing the trade of a considerable period that a really fair and just estimate of its general condition can be formed, for obviously, in any particular year, special circumstances may occur to affect abnormally either the import or the export trade of a country.

But

* Wool, Flax, Hemp, Jute, Hides, and Skins (raw), Maps, Prints and Works of Art, Music, Paper, Military Uniforms, Agricultural Implements, Guano and other Manures (there has also been an extension of the rule giving free entry to Machinery).

† Both my figures and those of the Statement put before the Council by Sir Charles Trevelyan embrace the trade of Calcutta only. This is to be regretted, though, as observed by Sir Charles Trevelyan, the Calcutta trade may probably be accepted as a fair standard for all India. I have wanted the time necessary to include the trade of Madras and Bombay.

But I would draw attention yet more particularly to those articles of trade upon which a 10 per cent. duty is actually levied. The most important of these are enumerated in the margin; and it will be observed that among them there are none which, like cotton piece goods, are articles of general consumption, but that most, if not all, are articles imported for the use of the European classes and the richer classes of natives. Selecting from these again the eight heads under which appear the largest importations, namely,—

Haberdashery, Millinery, and Apparel.
Hardware and Outlery.
Metals.
Ironmongery, Machinery and Anchors.

Beads.	Glassware.	Pepper.
Betel Nuts.	Guns and Pistols.	Perfumery, &c.
Chanks.	Haberdashery, &c.	Pitch, Tar and Rosin.
Cloves.	Hardware, &c.	Plate, Jewellery, &c.
Canvas.	Hosiery, &c.	Provisions.
Cocoanuts, &c.	Medicines.	Saddlery, &c.
Coir and Coir Rope.	Metals. [&c.	Spice.
Corals.	Ironmongery, Anchors,	Stationery and Cards.
Cutch.	Oilman's Stores.	Tea.
Earthenware.	Paints.	Woods.

Pepper.
Plate, Jewellery and Watches.
Stationery and Cards.
Woods.

I find that the aggregate value of the importations under these heads during the three years immediately preceding the first increase of Import Duties, viz., from 1856-57 to 1858-59, was 5,45,72,900 rupees, giving an average for those three years of 1,81,90,966 rupees; and I find the aggregate value of the importations under the same heads during the three following years, viz., from 1859-60 to 1861-62, to be 7,66,27,800 rupees, giving an average for those three years of 2,25,42,600 rupees. I confess I do not, in any of the above figures, see such evidence of a declining trade as to demand that relief should be given to it by a general reduction of Import Duties from 10 per cent. to the very low standard of 5 per cent.

I have already cited Mr. Wilson and Mr. Laing as upholders of the view that the 10 per cent. duty is not unduly high; and, while writing this note, I have received some papers from the Home Office, to which I would refer as giving some further support to that view.

At the beginning of 1857 (before the mutiny was dreamed of) Lord Canning's Government submitted to the Court of Directors a strong recommendation in favour of an augmentation of the duties on imports, and, from a minute recorded on that occasion by Sir John Grant, the following* passages will be found applicable to the question now in hand:—

* The whole Minute is worthy of perusal.

"It is admitted generally, that, if the duty on the mass of articles of consumption imported by sea is properly regulated, and is not raised so high as to check the consumption of such articles, no less objectionable, less unpopular, more convenient and more cheaply levied tax can be imposed; and the reasons on which this principle is founded have more force in India than in most other countries; for many old taxes in India are impolitic and oppressive, and the national feeling is so much against any new sort of direct taxation, that it is peculiarly desirable here to make all fair and proper use of such unobjectionable sources of revenue as exist. Certainly the present rates of duty are much below the limit beyond which they would check consumption. The lowness of the general rates affecting the most important articles of import, as compared with the rates in force in Europe; the fact that the trade of the country, and the consumption of foreign commodities have increased in an unprecedented degree since the moderate increase of duty in 1845 came into operation; and the general prosperity of the country, and of its external commerce at present, are conclusive arguments upon this question.

* * * * *

"The present rates of import duty on British goods are:—

"For cotton-thread, and for unmanufactured goods, except metals, 3½ per cent.

"For metals and all manufactured goods - - - - 5 "

"A double differential duty on the above articles, the produce of foreign countries:—

"For foreign books - - - - - 3 "

"Beer - - - - - 5 "

"Other liquors and salts are exceptional.

"Certain articles, such as spices, &c., which are produced in foreign possessions in Asia, are charged - - - - 10 "

"Tea - - - - - 10 "

"Coffee and rattans - - - - - 7½ "

"The general principle of this tariff is that what British produce India consumes shall pay from 3½ to 5 per cent., and that what foreign produce she consumes shall pay from 7 to 10 per cent.

"I believe that if the general rates were fixed at 10 per cent. all round, no injury would be done to trade, and no check would be given to consumption; and that still India would enjoy, upon the whole, one of the easiest tariffs that any civilised maritime country enjoys.

"But what I would venture to suggest for the present is this:—

"A duty on cotton-thread and all unmanufactured articles of 5 per cent.

"On metals and manufactured articles generally of - - 7½ "

"On such manufactured articles as wearing apparel, cigars, jewellery, oilman's stores, and perfumery (the luxuries of the rich) of	-	-	-	-	-	-	-	-	-	10 per cent.
"On coffee and tea	-	-	-	-	-	-	-	-	-	20 "
"On spices, &c.	-	-	-	-	-	-	-	-	-	10 "
"On rattans	-	-	-	-	-	-	-	-	-	10 "
"On beer	-	-	-	-	-	-	-	-	-	20 "
"On wines	-	-	-	-	-	-	-	-	-	2 Rs. a gall.
"On spirits	-	-	-	-	-	-	-	-	-	3 Rs. a gall."

* * * * *

Consequent on the disturbances which shortly after broke out in India, this Despatch remained unanswered till 1859, when the Secretary of State addressed the Governor General in Council in the following terms :—

The Augmentation of Import Duties.

"The expediency of this measure is pressed in your letter of the 23d February 1857 strongly and unanimously on the consideration of the Home Authorities by your Lordship and the Members of your Council; and, while the question of obtaining an accession to the revenue by this and other means has incalculably increased in importance since the date of your Despatch, it cannot be disputed that the rates of import duty levied in India are, on the whole, extremely moderate.

* * * * *

"The precise rate of duty which will produce the largest amount of revenue is a matter which cannot be fixed on abstract principles, but can only be determined by experiment.

* * * * *

Her Majesty's Government think that a moderate, and even in some cases a considerable increase may be effected in the present rates of import duty on most articles of commerce, and specially on those which are used as luxuries by the richer classes of the community, without the imposition of any injurious check on consumption.

* * * * *

Her Majesty's Government having fully considered the whole question, so far as the materials at their disposal enable them to do so, have resolved to give their sanction and approval to a tariff of import duties constructed on the general principle of levying on all articles wholly or partially unmanufactured a duty of $7\frac{1}{2}$ per cent.; on all manufactured articles (whatever their origin) which are habitually consumed by the general mass of the community, a duty of 10 per cent.; and on all such articles* as are used only as luxuries by the richer classes, whether European or Native, a rate of duty amounting or equivalent to 20 per cent. *ad valorem*."

These views the Governor General in Council had very nearly anticipated in the increase of import duties, which was enacted in March 1859.

We see, then, that hitherto there has been an unanimous consent of all authority, both here and in England, that a 10 per cent. duty upon most articles of import might be safely imposed without any risk of checking consumption; and we see also that upon some articles that rate of duty, and upon others a duty of 7 or $7\frac{1}{2}$ per cent., had been levied for very many years previous to the general increase of Customs duties which took place in 1859.

It is obvious, therefore, that the present 10 per cent. duties cannot, with correctness, be spoken of as "War Duties."

Having regard to the past history of our Customs administration, and to the opinions which have hitherto prevailed, it seems to me that, before the Government gives effect to the wholesale reduction of the duties on imports from 10 per cent. to 5 per cent., it should be clearly shown, at least as regards the principal articles of import, that there is reason for believing that consumption has actually been checked by the present rate of duty.

I think this is specially necessary, because, as already pointed out, the articles on which a 10 per cent. duty is levied, are not articles which are consumed by the general mass of the community, but are, for the most part, articles imported for the use of the richer classes only, so that the consumption of them must, in any case, be comparatively limited, and cannot be expected to be influenced in the same degree that articles of universal consumption are influenced by the diminution of a duty already moderate, in reference as well to the nature of the merchandise on which it is levied, as to the class of consumers by whom it is paid. I am far from saying that there may not be some articles on which it might be expedient to reduce the present duty of 10 per cent. to 7 or possibly even to 5 per cent.; but I do affirm very confidently that no case is made out for the uniform lowering of that duty upon all articles whatsoever; and I submit that the measure will involve a sacrifice of revenue which might be justifiable if the finances were in a state of high and well-confirmed prosperity, but which cannot be prudently or justly made while expenditure and income are

SO

* In a subsequent paragraph the following articles were indicated :—Cigars, Tea, Coffee, Haberdashery, Millinery and Hosiery, Grocery and Confectionery, Stationery, Musical Instruments, Billiard Tables, Clocks, Carriages, and materials for ditto, Jewellery, Plate and Plated ware, and Perfumery.

so nicely balanced as at present, and while we lie under a pledge to abolish at an early period the whole Income Tax.

I think, on the whole, and having regard to the perhaps doubtful nature of some portion of the surplus, that it will be wise to absorb only so much of the estimated surplus for 1863-64 as is required for the reduction of the Income Tax by 1 per cent.; but, if it be thought necessary to go beyond this, I would reduce 2 per cent. of the Income Tax.

W. Grey.

— No. 6. —

The Secretary of State for India to the Governor General of India in Council.

Financial Department, India Office, London,
9 May 1865, No. 114.

Sir,

Para. 1. ALTHOUGH I have not yet received any Despatch from your Government containing the financial proposals for the year 1865-66, the "Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24th and 25th Vict. c. 67," has reached me, which contains the financial statement made by Sir Charles Trevelyan, and from which I learn that a Bill has been passed imposing certain new or additional duties on articles of export from India.

2. I am unable at present to enter upon any detailed examination of the various items of income or expenditure, but the consequences of the course which you have taken may be of such importance, and may produce so unfortunate an effect on the trade between India and this country, that I cannot pass by the earliest opportunity of communicating to you the instructions of Her Majesty's Government thereon.

3. I was quite unprepared for the course which your Government has taken as to the financial measures for 1865-66. In regard to the estimated revenue for that year, it is gratifying to observe that in the principal sources of income there is an increase as compared with the regular estimate for 1864-65, and that, notwithstanding the increase to the charges on account of the Army, and of the war in Bootan, the estimated Charges of 1865-66 show but little increase as compared with the estimated Charges of 1864-65.

4. If the Income Tax, instead of being allowed to expire, had been renewed at the same rate as that levied in 1864-65, there would have been a probable surplus in 1865-66 of 19,660 £., as shown in the margin.

1865-66.		£.
Receipts per Budget Estimate, including earnings of Indo-European Telegraph, 60,000 £., and assuming Income Tax at the same rate as 1864-65		47,234,110
Expenditure per Budget Estimate, including 17,520 £., increased grant to Bombay for Law and Justice, and 10,000 £. deducted erroneously from net expenditure in England		47,214,450
Surplus	- - - £.	19,660

5. I fully admit that, when the Income Tax was imposed, confident expectations were held out that it was only to last for five years, and that, on several occasions in subsequent years, when the prospects of Indian finance were more promising, these expectations were renewed; but circumstances have materially changed in the last twelve months. A considerable augmentation of the charges has been occasioned by a general rise in prices and other causes, while one large source of revenue, viz., the net proceeds of opium, on which dependence had been placed, has fallen considerably short of the estimate.

6. You have not, however, continued the Income Tax, producing upwards of 1,200,000 £. per annum, but you have proposed to raise a loan of precisely that amount, and to impose Customs duties of a most objectionable nature.

7. I cannot understand your having included as a part of the income of the year the sum of 1,200,000 £. to be raised on loan. Whenever the estimated revenue of any year may be insufficient to meet the expenditure, the accounts should state the deficit accordingly, and not, as in your Budget Estimate for 1865-66, take credit for an apparent surplus which is only obtained by improperly including in your income a sum raised by loan.

8. But still more objectionable is your having stated that a loan for the sum of 1,200,000 £. would be raised in England. It is the province of your Government

ment to estimate the revenue and expenditure for each year. If, after providing, as you best can, for meeting the expenditure of the year by taxation, it should appear to you that, from unavoidable causes, it will be necessary to resort to a loan in order fully to provide for the indispensable expenditure of the year, you should communicate that conclusion to the Secretary of State, conveying to him at the same time your opinion how far it might be expedient to raise it in India, and leaving it to him, after he has considered the state of the money market, and other circumstances in England, to decide whether the whole or any portion of the amount should be raised in this country. I must add that, if it were desirable to borrow here, the course which you have adopted must inevitably have the effect of rendering it difficult to raise the amount required, except on unfavourable terms.

9. Any question of raising a loan for the execution of public works of more than ordinary magnitude, ought to be considered and dealt with quite apart from the ordinary financial arrangements of the year.

10. I now proceed to consider the probable condition of the finances for the year 1865-66, after the discontinuance of the Income Tax.

	£.
The expenditure will remain as before, at - - -	47,214,450
And the income, including a receipt of 551,140 <i>l.</i> for arrears, and one quarter of a year's produce of the Income Tax, and 60,000 <i>l.</i> from the Indo-European Telegraph, will be - - - - -	46,548,760
Showing a deficit of - - - - -	665,690
In consequence, however, of its being impossible to proceed as rapidly as had been expected in the construction of the transports to be built for the conveyance of troops to and from India, there will be a reduction of the Home expenditure to the extent of	290,700
And that amount may therefore be deducted from the above deficit, reducing it thereby to about - £.	375,000

11. If this view be correct, the expenditure will, with the exception of 375,000 *l.*, be provided for without a loan, and without imposing Customs duties which are open to grave objections.

12. I observe also that expectations are confidently entertained by several of the Members of your Council that the actual revenue will exceed the very cautious estimate which has been made, and I should also hope that your estimate of expenditure is higher than what may be found indispensable, and that you may be able, by strict economy, to reduce the charges to such an extent as to produce an equilibrium of income and expenditure without any fresh tax.

13. It is quite clear to me that existing circumstances did not justify the imposition of the proposed export duties. It will, therefore, be my duty to refuse my sanction to the Bill which has been passed for imposing them, and I must request that you will issue such orders as may prevent their being levied.

14. After this year, there will be no further receipt from the Income Tax, and there will consequently be a falling off of revenue from that source, in the year 1866-67, of about 550,000 *l.* This circumstance renders it certain, therefore, that it will be necessary to look very carefully into the state of the finances of India in the interval before the commencement of another financial year, and it seems to me to be expedient to postpone till then any action in regard to the question of taxation.

15. It is with great regret that I have come to a conclusion which sanctions a prospective deficit, however small in amount, even for a single year; but, on the whole, in the state of affairs which is disclosed by the financial statement of your Government, I believe it to be the wisest course.

16. If

16. If matters turn out favourably, it may not be necessary to impose fresh taxes; if otherwise, the necessity for doing so will have become so evident that it will be more easy to reconcile the classes upon whom the burden will fall to the imposition of the additional taxation.

17. For the present, the drafts on your Government will be confined to the amount which is absolutely necessary to meet the expenditure in this country.

I have, &c.

Charles Wood.

COPY of the LETTER from the Government of *India* in the Public Works Department, dated 6 January 1865; LETTERS from the Government of *India* in the Financial Department, dated 12 January and 6 April 1865; LETTERS from the Government of *India*, in the separate Revenue Department, dated 8 and 17 April 1865; and, of the DESPATCH to the Government of *India* in the Financial Department, dated 9 May 1865, on the subject of the Financial Measures to be adopted in *India* in the Year 1865-6; the Provision of Funds for PUBLIC WORKS; &c.

(*Mr. Crawford.*)

Ordered, by The House of Commons, to be Printed,
9 June 1865.

[*Price 6d.*]

345.

Under 8 oz.

EAST INDIA (REMUNERATIVE WORKS).

RETURN to an Address of the Honourable The House of Commons,
dated 1 June 1865;—for,

ABSTRACT STATEMENT of REMUNERATIVE WORKS in *Madras* from 1857-58 to 1862-63, published
in 'Supplement to the Gazette of India, Calcutta, 7 January 1865.' ”

India Office, }
2 June 1865. }

W. T. THORNTON,
Secretary Public Works Department.

ABSTRACT STATEMENT of REMUNERATIVE WORKS in *Madras* from 1857-58 to 1862-63.

NAME OF WORK.	Year.	CAPITAL.	REVENUE.				AGGREGATE FINANCIAL RESULT.	
		Estimated Value of Works.	Net Income for the Year, after Paying 4 per Cent. Interest on Capital.		Net Charge for the Year, including Payment of 4 per Cent. Interest on Capital.		Profit.	Loss.
			Amount.	Rate per Cent. on Capital.	Amount.	Rate per Cent. on Capital.		
		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>
(1.) Godavery Anicut with subsidiary works	1857-58	32,61,105	3,68,240	11·3	- -	- -	40,32,053	—
	1858-59	31,73,116	6,52,705	20·6	- -	- -	44,80,311	—
	1859-60	32,11,683	9,54,824	29·7	- -	- -	54,01,867	—
	1860-61	32,07,372	18,06,376	56·3	- -	- -	71,74,256	—
	1861-62	32,38,357	13,83,441	42·7	- -	- -	85,23,413	—
	1862-63	33,77,504	14,59,921	43·2	- -	- -	94,98,398	—
(2.) Kistna Anicut	1857-58	13,26,007	68,659	5·2	- -	- -	2,245	—
	1858-59	14,25,312	69,461	4·9	- -	- -	52,326	—
	1859-60	15,44,309	1,50,526	9·7	- -	- -	1,72,155	—
	1860-61	16,31,721	1,27,744	7·8	- -	- -	2,66,208	—
	1861-62	17,28,457	1,74,510	10·1	- -	- -	4,04,605	—
	1862-63	19,12,699	2,11,500	11·05	- -	- -	5,77,335	—
(3.) Pennair Anicut	1857-58	1,24,634	- -	- -	4,230	3·3	13,118	—
	1858-59	1,29,781	8,144	6·2	- -	- -	- -	28,738
	1859-60	1,74,548	- -	- -	8,387	4·8	- -	39,475
	1860-61	2,19,929	- -	- -	10,178	4·6	- -	49,653
	1861-62	2,54,723	- -	- -	958	0·3	- -	50,611
	1862-63	2,55,513	- -	- -	1,760	0·6	- -	52,371
(4.) Bachagondanahully Anicut	1858-59	11,477	- -	- -	466	4·0	- -	6,054
	1859-60	11,964	- -	- -	821	6·9	- -	6,875
	1860-61	11,964	985	8·4	- -	- -	- -	5,910
	1861-62	11,964	875	7·3	- -	- -	- -	5,035
	1862-63	11,964	900	7·5	- -	- -	- -	3,412
(5.) Palar Anicut in Madras	1858-59	38,953	4,180	10·7	- -	- -	25,133	—
	1859-60	39,283	5,596	14·2	- -	- -	30,729	—
	1860-61	39,462	- -	- -	1,571	4·0	29,160	—
	1861-62	59,264	- -	- -	1,578	2·6	27,582	—
	1862-63	1,36,413	5,777	4·2	- -	- -	33,339	—
(6.) Coratoor and Casave- rum Anicut	1858-59	33,111	- -	- -	164	·5	47,506	—
	1859-60	36,746	26,559	72·2	- -	- -	74,065	—
	1860-61	36,746	- -	- -	2,571	7·0	71,494	—
	1861-62	36,746	- -	- -	1,657	4·5	69,837	—
	1862-63	36,746	6,753	18·3	- -	- -	76,690	—
(7.) Palar Anicut in North Arcot	1857-58	5,15,977	- -	- -	17,010	3·2	- -	36,806
	1858-59	5,39,946	- -	- -	12,366	2·2	- -	48,536
	1859-60	5,39,946	- -	- -	18,830	3·4	- -	67,366
	1860-61	5,43,213	- -	- -	17,140	3·1	- -	84,506
	1861-62	5,79,391	- -	- -	18,966	3·2	- -	1,03,472
	1862-63	6,39,213	- -	- -	16,584	2·5	- -	1,20,056

ABSTRACT STATEMENT of Remunerative Works in *Madras* from 1857-58 to 1862-63—*continued.*

NAME OF WORK.	Year.	CAPITAL.	REVENUE.				AGGREGATE FINANCIAL RESULT.	
		Estimated Value of Works.	Net Income for the Year, after Paying 4 per Cent. Interest on Capital.		Net Charge for the Year, including Payment of 4 per Cent. Interest on Capital.		Profit.	Loss.
			Amount.	Rate per Cent. on Capital.	Amount.	Rate per Cent. on Capital.		
		Rs.	Rs.		Rs.		Rs.	Rs.
(8.) Ponnie Anicut -	1857-58	47,481	- -	- -	2,610	5.4	- -	141
	1858-59	47,481	- -	- -	872	1.8	- -	4,330
	1859-60	47,762	- -	- -	1,795	3.7	- -	6,125
	1860-61	47,762	- -	- -	2,633	5.5	- -	8,758
	1861-62	57,763	- -	- -	2,324	4.0	- -	11,082
	1862-63	83,009	- -	- -	1,291	1.5	- -	12,373
(9.) Cheyar Anicut -	1857-58	12,088	- -	- -	850	7.	5,782	—
	1858-59	12,088	2,134	17.6	- -	- -	17,183	—
	1859-60	12,088	635	5.2	- -	- -	17,818	—
	1860-61	46,018	- -	- -	1,986	4.3	7,829	—
	1861-62	47,518	- -	- -	1,675	3.3	6,254	—
	1862-63	47,518	- -	- -	391	0.8	5,863	—
(10.) Lower Coleroon Anicut, in South Arcot	1857-58	1,16,469	3,34,528	287.2	- -	- -	45,66,589	—
	1858-59	1,16,469	3,72,098	319.4	- -	- -	49,38,687	—
	1859-60	1,16,469	3,30,158	283.4	- -	- -	52,68,845	—
	1860-61	1,16,469	3,67,785	315.8	- -	- -	56,36,630	—
	1861-62	1,16,469	3,98,316	341.9	- -	- -	60,34,946	—
	1862-63	1,16,469	3,99,244	342.7	- -	- -	64,34,190	—
(11.) Vellar Anicut -	1857-58	82,156	61,534	74.3	- -	- -	5,28,824	—
	1858-59	82,156	69,017	84.0	- -	- -	5,97,841	—
	1859-60	82,156	70,348	85.6	- -	- -	6,68,189	—
	1860-61	82,156	81,944	100.3	- -	- -	7,50,133	—
	1861-62	82,156	94,011	114.4	- -	- -	8,44,144	—
	1862-63	82,156	1,01,803	123.9	- -	- -	9,45,947	—
(12.) Ragavaiyen Channel -	1857-58	8,023	20,284	365.0	- -	- -	2,19,508	—
	1858-59	7,443	30,012	403.2	- -	- -	2,48,940	—
	1859-60	7,443	24,463	328.6	- -	- -	2,73,403	—
	1860-61	7,443	30,330	407.5	- -	- -	3,03,733	—
	1861-62	7,443	30,762	413.3	- -	- -	3,34,495	—
	1862-63	62,281	32,087	51.5	- -	- -	3,66,582	—
(13.) Teruvadi Anicut -	1857-58	11,455	25,130	219.3	- -	- -	2,27,568	—
	1858-59	11,455	24,975	218.0	- -	- -	2,52,543	—
	1859-60	11,455	20,591	179.7	- -	- -	2,73,134	—
	1860-61	11,455	30,403	265.4	- -	- -	3,03,537	—
	1861-62	11,455	29,437	256.9	- -	- -	3,32,974	—
	1862-63	11,455	30,788	268.7	- -	- -	3,63,762	—
(14.) Vieravandi Anicut -	1857-58	13,716	1,583	11.5	- -	- -	- -	709
	1858-59	13,716	1,625	11.8	- -	- -	916	—
	1859-60	13,716	2,531	18.4	- -	- -	3,447	—
	1860-61	13,716	4,324	31.5	- -	- -	7,771	—
	1861-62	13,716	4,508	32.8	- -	- -	12,279	—
	1862-63	13,716	4,733	34.5	- -	- -	17,012	—
(15.) Upper Coleroon Anicut, in Tanjore -	1857-58	2,39,866	15,93,239	664.2	- -	- -	76,96,199	—
	1858-59	2,39,865	17,50,902	729.9	- -	- -	94,47,101	—
	1859-60	2,39,865	5,06,101	210.9	- -	- -	99,53,203	—
	1860-61	2,39,865	5,19,003	216.4	- -	- -	1,04,72,206	—
	1861-62	2,39,865	5,72,050	238.4	- -	- -	1,10,44,256	—
	1862-63	2,39,866	6,37,533	265.7	- -	- -	1,16,81,808	—
(16.) Lower Coleroon Anicut, in Tanjore -	1857-58	2,25,190	5,802	2.6	- -	- -	1,61,111	—
	1858-59	2,25,190	- -	- -	20,375	9.0	1,40,739	—
	1859-60	2,25,190	- -	- -	2,793	1.2	1,37,945	—
	1860-61	2,25,190	4,969	2.1	- -	- -	1,42,914	—
	1861-62	2,25,160	10,308	4.5	- -	- -	1,53,222	—
	1862-63	2,25,190	10,757	4.7	- -	- -	1,63,980	—

ABSTRACT STATEMENT of Remunerative Works in *Madras* from 1857-58 to 1862-63—*continued*.

NAME OF WORK.	Year.	CAPITAL.	REVENUE.				AGGREGATE FINANCIAL RESULT.	
		Estimated Value of Works.	Net Income for the Year, after Paying 4 per Cent. interest on Capital.		Net Charge for the Year, including Payment of 4 per Cent. Interest on Capital.		Profit.	Loss.
			Amount.	Rate per Cent. on Capital.	Amount.	Rate per Cent. on Capital.		
		<i>Rs.</i>	<i>Rs.</i>		<i>Rs.</i>		<i>Rs.</i>	<i>Rs.</i>
(17.) Kaniempolliem Anicut	1857-58	42,970	- -	- -	1,080	2·5	- -	31,218
	1858-59	42,970	- -	- -	1,681	3·9	- -	32,899
	1859-60	42,970	- -	- -	1,953	4·5	- -	34,852
	1860-61	42,970	- -	- -	2,230	5·2	- -	37,082
	1861-62	42,970	- -	- -	1,787	4·1	- -	38,869
	1862-63	42,970	- -	- -	1,248	2·9	- -	40,117
(18.) Yennamakal Dam	1857-58	28,718	253	·8	- -	- -	- -	3,871
	1858-59	23,468	1,711	7·2	- -	- -	- -	5,645
	1859-60	22,851	499	1·9	- -	- -	- -	5,813
	1860-61	22,233	- -	- -	6,968	31·4	- -	13,399
	1861-62	21,615	- -	- -	4,541	21·	- -	18,558
	1862-63	20,998	1,489	7·	- -	- -	- -	17,686
(19.) Nundyar Anicut	1861-62	46,850	2,616	5·5	- -	- -	9,170	—
	1862-63	46,850	434	0·9	- -	- -	9,604	—
(20.) Eastern Coast Canal	1858-59	4,97,417	1,946	·3	- -	- -	4,39,708	—
	1859-60	4,97,417	- -	- -	7,576	1·5	4,32,132	—
	1860-61	4,97,417	- -	- -	8,867	1·8	4,23,265	—
	1861-62	5,04,091	- -	- -	4,421	0·8	4,18,844	—
	1862-63	5,04,091	2,483	·4	- -	- -	4,21,231	—
(21.) Thaddapully Channel, in the District of Coimbatore - -	1862-63	24,898	- -	- -	3,928	15·7	- -	19,021
(22.) Calingaroyen Channel, in the District of Coimbatore - -	1862-63	15,284	- -	- -	8,301	54·3	- -	35,821
(23.) Arakencottah Channel, in the District of Coimbatore - -	1862-63	11,126	- -	- -	2,074	18·6	- -	2,074

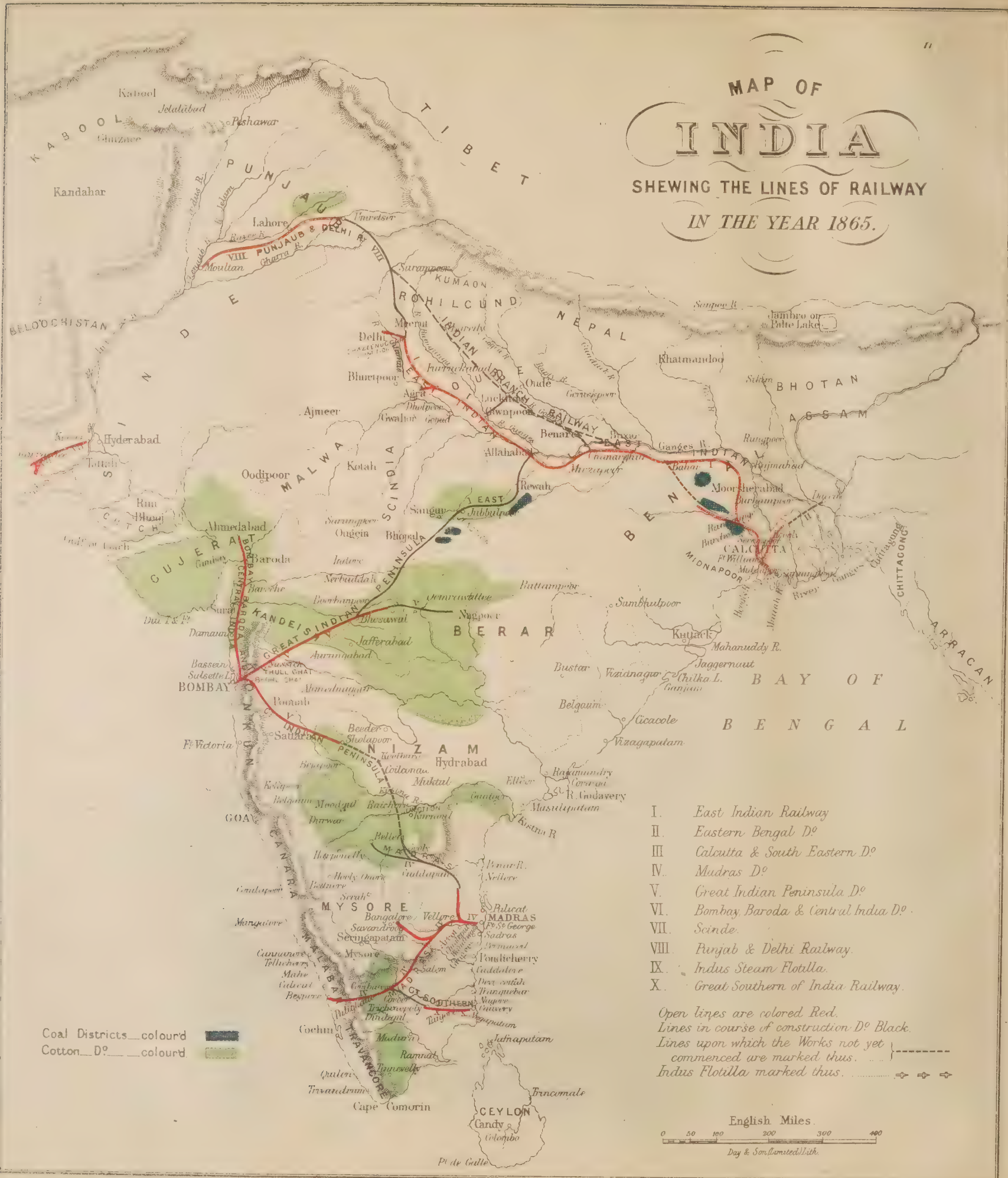
REMARKS.

The net income has been calculated by assuming, as the standard of comparison, the average of the revenue derived from the land capable of irrigation by the anicut for five years previous to the construction of the work, and setting down all excess above that average, less the cost of repairs, interest on capital, and other charges as the increase due to the anicut in subsequent years. In thus fixing the income, other causes independent of irrigation, such as improved cultivation, increase of population, &c., have not been taken into account.

Further, this net annual profit includes the assessment of the land, as well as the value of the water actually supplied, and attributes all increase in the land revenue to the work, being so far a more favourable mode of calculation than is strictly correct; but on the other hand, it leaves out of account all increase in other sources of revenue, viz., salt, abkarry, &c., though these may be affected by the improved condition of the people, consequent on the more profitable character of irrigated cultivation.

Where a work has been kept in proper repair, and all the maintenance and conservancy charges added to such expenses, no deduction has been made on account of deterioration by wear and tear from the capital expended in the work.

(signed) *R. Strachey*, Colonel, R. E.,
Secy. to Govt. of India, P. W. D.



MAP OF
INDIA
SHEWING THE LINES OF RAILWAY
IN THE YEAR 1865.

- I. East Indian Railway
- II. Eastern Bengal D^o
- III. Calcutta & South Eastern D^o
- IV. Madras D^o
- V. Great Indian Peninsula D^o
- VI. Bombay Baroda & Central India D^o
- VII. Scinde.
- VIII. Punjab & Delhi Railway.
- IX. Indus Steam Flotilla.
- X. Great Southern of India Railway.

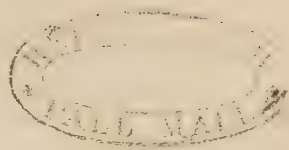
Open lines are colored Red.
Lines in course of construction D^o Black.
Lines upon which the Works not yet commenced are marked thus. ---
Indus Flotilla marked thus. --->>>

Coal Districts coloured 
Cotton D^o coloured 



REPORT

TO



THE SECRETARY OF STATE FOR INDIA IN COUNCIL

ON

RAILWAYS IN INDIA,

FOR THE YEAR

1864-65.

BY JULAND DANVERS, ESQ.,

GOVERNMENT DIRECTOR OF THE INDIAN RAILWAY COMPANIES.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
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FOR HER MAJESTY'S STATIONERY OFFICE.

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REPORT.

To the Right Honourable Sir CHARLES WOOD, Bart., G.C.B., M.P., Secretary of State for India, &c. &c.

SIR, India Office, 8th May 1865.

I HAVE the honour to lay before you my sixth annual Report on Railways in India, being that for the year 1864-65.

2. On the 1st January 1864 the length of line open for traffic was 2,519 miles. This has now been increased to 3,186 $\frac{1}{4}$ miles by the addition of 448 $\frac{3}{4}$ miles previous to, and of 218 $\frac{1}{2}$ since the 31st December last.* About 1,700 miles remain to be finished to complete the system of guaranteed lines now in course of construction. A few years will, probably, elapse before the whole will be ready for traffic. Sections of considerable length, and embracing works of great magnitude, such as those between Delhi and Umritsur, and between Sholapore and Cuddapah on the line from Bombay to Madras, have only recently been commenced. Those also between Allahabad and Jubbulpore on the East Indian Railway, and between Jubbulpore and Bhosawul on the Great Indian Peninsula, which are required to complete the communication between Calcutta and Bombay, will, probably, not be finished for two or three years from this time. The full benefits of the Railway system will not be felt until it has become one entire whole; but, in the mean time, lines of considerable length and of immense utility are being worked to very great advantage.

Length of line open, and progress of works in India.

3. The most important sections which have been opened during the past year are the Thull Ghât Incline, on the Great Indian Peninsula Railway, and that portion of the Bombay and Baroda Railway which lies between Bulsar and Bombay. Although not great in extent, the one being only 10, and the other 121 miles, both were required to fulfil the objects of either undertaking. Until the Baroda railway reached Bombay, that line was cut off from its chief source of traffic, and until the Thull Ghât was traversed by the Great Indian Peninsula Railway, a break occurred in the line between Bombay and the great cotton districts of Central India, which caused the utmost inconvenience to the public and great expense to the Company. The heavy and difficult works on this incline have been described in a previous report. It is now, therefore, sufficient to state that, in a distance of about 10 miles, the railway climbs a height of nearly a thousand feet, the steepest gradient being 1 in 37 for 4 miles 30 chains, and the sharpest curve 17 chains radius for a length of 33 chains. There are 13 tunnels, of an aggregate length of 2,652 yards, and viaducts to the extent of 741 yards, one of 250 yards being 200 feet in height. The cost of this incline has been about 50,000*l.* a mile.

Thull Ghât incline.

4. On the eastern side of the peninsula another useful line has been opened during the past year, viz., the branch from the Madras Railway to Bangalore, which brings that important military station and the salubrious climate on the Mysore table land to within eight hours journey of Madras.

5. The following table shows the length of each line now open for traffic, and the extent remaining to be finished:—

* This is exclusive of the 26 miles of lighter railway constructed by the Indian Branch Railway Company.

Railway.	Total Length as at present sanctioned. (given approximately).	Length opened during 1864.	Length opened since 1st January 1865.	Total Length now open (1st May 1865).	Length remaining to be finished in			
					1865.	1866.	1867 and subsequently.	Total.
	Miles.							
East Indian - { Main line* -	1,271½	170	—	1,126	—	1½	144	145½
{ Jubbulpore line -	225	—	—	—	—	—	225	225
Great Indian Peninsula - -	1,266	32¾	9½	595¼	120	150	400¾	670¾
Madras - { S.-W. line and Bangalore	492	85	—	492	—	—	—	—
{ branch - - -	360	38	—	79	71	—	210	281
Bombay, Baroda, and Central India -	312	121	—	306	—	—	6	6
Scinde - - - - -	114	—	—	114	—	—	—	—
Punjab - - - - -	253	—	209	252	—	—	—	—
„ Delhi - - - - -	320	—	—	—	—	—	320	320
Eastern Bengal - - - -	114	2	—	114	—	—	—	—
Great Southern - - - -	161	—	—	79	—	82	—	82
Calcutta and South-Eastern - -	29	—	—	29	—	—	—	—
Total - - - - -	4,917½	448¾	218½	3,186¼	191	233½	1,305¾	1,730¼

* Including the chord line by Barrakur.

Length of double line.

6. At present, only a very small proportion of the lines are double. At all the stations a considerable length of siding is provided, but, irrespective of this, only about 124 miles are constructed with double lines, viz., 67 on the East Indian, between Howrah (Calcutta) and the junction of the Raneegunge branch with the main line, and 57 on the Great Indian Peninsula. On this railway the doubling of 42 miles more has recently been sanctioned, by which addition the whole of the line from Bombay to the head of the Thull Ghât will be double.

7. The propriety of doubling further portions of the Bengal division of the East Indian Railway is also under consideration.

8. With regard to the proposed extension of the Raneegunge and Barrackur branch of the East Indian Railway, through the Kurhurbalee coal fields, to some point on the main line, the Government of India has just decided that it shall be taken across the Nargoonjoo Pass to Luckeserai, a length of 118 miles, a branch of 26 miles being made to the coal fields. This chord line will shorten the distance between Calcutta and the North-West by 71 miles. It is estimated that it will cost upwards of 2,000,000*l*.

Roads to Railway Stations.

9. The development of the traffic on some of the railways is still, to a certain extent, retarded by the absence, or the imperfect condition, of the roads leading to the stations. If this description of feeder could have been provided simultaneously with the completion of the railways, the difficulty which in some cases occurs in bringing the traffic from the old lines of communication, especially during the rains, would not be so great as it now is; but, with every desire to promote the execution of such roads, the Government was unable, without neglecting other even more important claims, to devote a larger share of the limited funds at its disposal to the purpose. The question is important as affecting the railway receipts, and it is satisfactory to find that in the Budget grants for Public Works for the ensuing year, the Government of India states, that “the progress of the railway construction continues to demand a large expenditure for the construction of roads, by which the traffic of the country may be more freely brought on the great lines of communication.”

Effects of the Cyclone in Bengal.

10. The hurricane which swept over a part of lower Bengal on the 4th and 5th of October last spent its fury in the neighbourhood of Calcutta, and damage to a considerable extent, although not so great as might have been expected, was done to the works of the three railways which have their termini there. The total loss is estimated at 23,245*l*., the East Indian suffering to the amount of 9,515*l*., the Eastern Bengal of 12,600*l*., and the Calcutta and South-Eastern of 1,730*l*. No lives,

either among passengers or railway servants, appear to have been lost on the occasion, although part of a train on the Eastern Bengal Railway, including the engine, was blown over, and the roofs of stations and sheds were swept away. The traffic on the lines was not interrupted, but the telegraphic communication was stopped for some days.

11. On the western side of India, the monsoon in the middle of the year was marked by unusual violence, and the works on the Bombay lines sustained considerable damage from the floods. On the Great Indian Peninsula Railway, the embankments of a culvert were washed down on the 27th June; and, on the following day, a viaduct of 12 spans of 30 feet iron girders was destroyed, nine spans having been carried away. The former disaster was unhappily followed by a frightful accident. A night train passing by, soon after the culvert had given way, ran into the gap, and 14 Native 3d-class passengers were killed on the spot, many more being seriously injured. Six spans of the great bridge which takes the Bombay and Baroda Railway over the Nerbudda river were also swept down by the force of the floods. Fortunately no loss of life occurred, but the traffic has been interrupted for several months, and the repairs and additions have cost upwards of 12,000*l*.

Effects of the monsoon in Bombay.

12. In this country the various Boards, besides being engaged in exercising a general supervision over the proceedings of their Officers in India, and in directing the affairs of the respective Companies, assist in the construction of the works by providing and sending out the materials for the iron bridges and permanent way, as well as the locomotive engines and rolling stock, and the numerous appliances necessary for working a railway. Those Companies whose works are not in Bengal have also sent out coal and coke in large quantities. During the past year, materials and stores to the amount of 102,318 tons, and of the value of 1,018,164*l*. have been shipped to India, in 233 vessels. This, added to the shipments of former years, gives a total of 2,867,099 tons of railway materials of the value of 16,147,020*l*., which have been sent out in 3,834 ships to India by the Companies during the last 15 years, exclusive of what has been sent by the contractors employed in executing some of the works.

Work done in this country.

Shipments of materials to India.

13. The particulars of last year's consignments are given in the following table:—

Railway Company.	Number of Ships employed in 1864.	Amount of Goods shipped in 1864.	Value of Goods shipped in 1864.	Amount paid for Freight and Insurance in 1864.
		Tons.	£	£
East Indian - - - -	17	18,117	214,001	23,810
Great Indian Peninsula - - -	69	22,910	233,483	33,797
Madras - - - -	72	36,073	282,481	55,844
Bombay, Baroda, and Central India - -	32	12,454	154,892	26,869
Scinde - - - -	25	3,157	41,421	6,876
Punjaub - - - -		5,446	53,545	10,161
Indus Flotilla - - - -		74	1,492	212
Delhi - - - -		38	1,382	90
Eastern Bengal - - - -	11	917	12,446	1,333
Great Southern - - - -	4	3,060	22,696	5,430
Calcutta and South-Eastern - - -	3	72	325	106
Total - - - -	233	102,318	1,018,164	164,528

During the past year not one ship engaged on this service has been lost.

Number of locomotive engines and rolling stock.

14. The following table shows the number of locomotive engines, carriages, &c, belonging to each Company and the number added during the year 1864 :—

Railway.	Locomotives.			Carriages.		Trucks and Waggon.		Total Number of Vehicles on 31st December 1864.
	Former Number.	Added in 1864.	Total Number, 31st Dec. 1864.	Former Number.	Added in 1864.	Former Number.	Added in 1864.	
East Indian - - -	260	51	311	476	42	3,594	563	4,675
Great Indian Peninsula -	96	22	118	270	—	3,004	222	3,496
Madras - - -	75	1	76	154	11	1,531	276	1,972
Bombay, Baroda, and Central India - - -	53	12	65	236	—	2,866	255	3,357
Scinde - - -	26	5	31	57	9	581	66	713
Punjaub - - -	5	3	8	22	14	105	35	176
Eastern Bengal - - -	20	—	20	102	—	370	—	472
Great Southern - - -	11	—	11	33	—	167	4	204
Calcutta and South-Eastern -	6	—	6	42	—	157	—	199
Total - - -	552	94	646	1,392	76	12,375	1,421	15,264

Proprietors of India railways.

15. Almost the whole of the capital required for the Indian Railways is raised by the Boards in this country. This operation involves the further duty of keeping registers of the shareholders, of issuing the dividends, of holding periodical meetings, and of performing other functions of a Joint Stock Company incorporated by Act of Parliament. The aggregate amount of capital which has been raised is about 58,000,000*l*. The following statement gives the number of proprietors in each Company among whom that sum is divided. The number of holders has increased from 33,358 on the 1st January 1864 to 36,533 on the 1st January 1865.

Railway.	Number of Shareholders on the 31st December 1864.						Number of Debenture Holders.	Total Number of Proprietors, 31st Decem- ber 1864.
	Registered in England.			Registered in India.				
	With Stock to the Amount of 1,000 <i>l</i> . and upwards.	With Stock of less Amount than 1,000 <i>l</i> .	Total Number in England.	Europeans.	Natives.	Total in India.		
East Indian - - -	4,776	5,004	9,780	165	96	261	2,763	12,804
Great Indian Peninsula- Madras - - -	2,841 1,818	3,864 2,445	6,705 4,263	86 —	137 —	223 —	1,044 813	7,972 5,076
Bombay, Baroda, and Central India.	1,231	2,013	3,244	21	69	90	830	4,164
Scinde - - -	510	613	1,123	16	3	19	290	1,432
Punjaub - - -	475	733	1,208	17	2	19	63	1,290
Delhi - - -	440	594	1,034	40	6	46	—	1,080
Indus Flotilla - - -	87	203	290	—	—	—	120	410
Eastern Bengal - - -	309	431	740	8	20	28	357	1,125
Great Southern - - -	202	353	555	4	11	15	90	660
Calcutta and South- Eastern.	111	250	361	27	49	76	83	520
Total - - -	12,800	16,503	29,303	384	393	777	6,453	36,533

UNGUARANTEED RAILWAYS.

Unguaranteed Railways.

16. The unguaranteed Railway Companies, which still consist only of the Indian Branch Railway Company and the Indian Tramway Company, have made but moderate progress in their respective undertakings during the past year. The branch from the East Indian Railway at Nulhattee to Azimgunge, belonging to the Branch Railway Company, has been open, but it does not appear to have yet succeeded in withdrawing the traffic from its old channels. Having obtained from the Government the concession of an important system of railway communication between Bengal and the North-West Provinces through Oudh and Rohilcund, the Company has commenced operations on the section between Cawnpore and Lucknow, a line well situated for commanding an extensive traffic.

17. The principal conditions of the agreement proposed to be made (but not yet quite settled) between the Branch Railway Company and the Government are briefly these:—

Terms of Contract
with the Branch
Railway Company.

The land necessary for the Railway and the permanent works thereof is granted to the Company by the Government free of cost for a term of 99 years. The direction of the line is to be approved by the Government, to whom also is to be submitted drawings and descriptions of the works, machinery, &c., if called for. The railway is to be for a single line, with a gauge of 5 feet 6 inches, and suited for travelling at a speed of not more than 15 miles per hour. On the completion of the works being certified by the Government Inspecting Officer, the Government is to grant to the Company, while the lines are worked, a subsidy of Rs. 1,000 per mile per annum for 20 years for every mile open. In addition to the above, the Government is to pay to the Company annually, for a period of 20 years, a sum of Rs. 10,000 for every Rs. 1,00,000 of the estimated first cost for each bridge that exceeds, in estimated cost, the sum of Rs. 1,00,000. Import duty on the permanent way, &c. is to be remitted on the completion of the works. The Company is to carry the mails free of charge, and officers and soldiers and public stores at charges one-third less than the ordinary rates. On the expiry of 99 years, the immoveable property in the railway is to pass to the Government, the engines, carriages, machinery, and plant being purchased by the Government at a valuation, but the Company is to have the option of purchasing back the railways for a further period of 99 years, on a valuation of the land and the works forming the roadway, the buildings, machinery, rolling stock, and telegraphs not being taken into account in the said valuation. At any time within six months after the expiry of 20 years from January 1870, and of each ten years following, the Government may, on giving one year's notice, purchase the railway, after paying back the capital expended, together with 5 per cent. on that sum, or, if the Company prefer it, an annuity, calculated on the average of the profits of the five preceding years, or on the profits of the last year. At any time, within a period of five years from the opening of the railways, the Company may, on giving six months' notice, withdraw from the working of the lines, and, unless the Government purchase the same, may take away all moveables, such as permanent way, machinery, and rolling stock, the buildings, ballasts, &c. becoming the property of Government. In the event of the Company failing, except from causes beyond their control, to open the lines, or to maintain and work them, the Government may take possession thereof; but should the railway thus come into the possession of Government, and the Government should sell or lease the works, three-fourths of the net proceeds or three-fourths of the net yearly profits, or the equivalent thereof, are to be paid to the Railway Company.

18. The Indian Tramway Company has hitherto confined its operations to a branch line connecting Arconum, on the Madras Railway, with Conjeveram, about 17 miles distant. This line is expected to be finished and ready for traffic very shortly, and it is hoped that the success which its position and circumstances seem to command, will be an encouragement to the Company to proceed with other lines which are included in their general scheme.

The Indian Tram-
way Company.

19. Two important subjects connected with the extension of railways in India have engaged the attention of the Government during the past year, viz., the establishment of a direct line of communication from Bombay, through Central India, to the North-Western Provinces, and the junction, at one central terminus in Calcutta, of the East Indian, the Eastern Bengal, and the Calcutta and South-Eastern Railways. This latter plan, which necessarily embraces the construction of a bridge over the Hooghly, is being investigated by a Government Commission now sitting in Calcutta.

Proposed lines from
Bombay through
Central India.

Proposed Central
Terminus in
Calcutta for the
Bengal lines.

20. The question of Railways for Central India has also been considered by a Committee appointed by Government, and they have reported in favour of a system which embraces lines from Delhi and Agra, on the East Indian line, to Jeypore, where they are to form a junction; a line from thence to the Great Indian Peninsula Railway, through Ajmere, Nussereabad, Neemuch, Rutlam, and Indore; and another to connect the Bombay and Baroda Railway at Baroda with the above. Several Native States would be traversed by these lines. It would accordingly be necessary to make arrangements with the Native Chiefs for the provision of land, and the grant of such facilities as may be required to secure a safe and uninterrupted communication. Negotiations on the subject have already been commenced with the Maharajahs Holkar and Scindia and the Dhar Rajah. No difficulty is apprehended in making satisfactory arrangements with these Chiefs. All have

Lines for Central
India.

Arrangements
with Native
States.

agreed to make over the land required for the railway, free of charge; and other matters, such as the abolition of the transit duties on goods conveyed by railway, and the jurisdiction over the land occupied by the line, will probably be settled to the satisfaction of all parties. But the first difficulty with these projects is that of raising the requisite capital for carrying them out. The success of those which have been undertaken will be the best stimulus to future enterprise. It is clear, however, from the difficulties which the promoters of these schemes have, in 1864, found in inducing capitalists to come forward, that if, between 1849 and 1854, the guarantee system had not been applied to Indian railways, we should not now have been watching the progress of those great trunk lines which are gradually extending over the country, and contributing largely to its civilization and prosperity. With regard to the evils which naturally attend a system involving a Government control over the proceedings of Companies, it is gratifying to notice the conclusions to which Mr. G. N. Taylor, the Commissioner appointed by the Government to inquire into the subject, arrived, after a most careful and patient investigation into the affairs of the different Indian railways. He says,—“Whatever objections may be urged against it, it is certain that the guarantee system, with the double government which it involves, has been, on the whole, the best suited to the peculiar circumstances of India. Though concurring in the wisdom of the decision that the finances of the country ought to be embarked no further in these speculations, now that sufficient encouragement has been given to the introduction of English capital, and grand trunk lines have been provided for political and public purposes, I see no reason to doubt that the future management of the guaranteed undertakings already sanctioned will bear favourable comparison with any other mode of administration. If the past administration of several of the guaranteed railways has not been attended with such economical results as might have been reasonably expected, this is mainly due to the faulty principles upon which the double administration has been conducted in this country. The control of the Government Officer, instead of going hand-in-hand with that of the Company’s representative, as it does in England, has been entirely separate and independent, and conducted through the tardy medium of correspondence. Thus exercised, it loses that wholesome moral influence upon the administration as a whole which is essential to secure good results, and which would seem to be the object of the comprehensive control vested in Government by Clause 10 of the contract.”

PERSONS EMPLOYED ON THE RAILWAYS.

21. The following table gives the number of persons employed in the various departments of most of the Railways in October last. The absence of information from India in regard to the Bombay lines has obliged me to make an estimate of the numbers engaged in those undertakings, founding my calculations upon the number employed in the previous year, and upon the additional mileage open :—

Railway.	Agent's Department.			Locomotive Department.			Traffic Department.			Engineers' Department.			Stores Department.			Telegraph Department.			Grand Total.			No. of Miles open for Traffic.	No. of Stations open.
	Europeans and East Indians.	Natives.	Total.	Europeans and East Indians.	Natives.	Total.	Europeans and East Indians.	Natives.	Total.	Europeans and East Indians.	Natives.	Total.	Europeans and East Indians.	Natives.	Total.	Europeans and East Indians.	Natives.	Total.	Europeans and East Indians.	Natives.	Total.		
East Indian (Bengal Division)	*15	72	87	473	3,741	4,214	244	2,255	2,499	44	2,116	2,160	84	1,001	1,085	38	426	464	898	9,611	10,509	6082	63
Do. (North-West Provinces)	15	204	219	232	1,993	2,224	76	941	1,017	41	3,894	3,935	11	227	238	32	250	282	407	7,509	7,916	4042	37
Eastern Bengal	7	83	90	44	255	299	41	434	475	20	784	804	1	32	33				113	1,588	1,701	110	21
Calcutta and South-Eastern	5	34	39	†12	7	19	4	67	71	3	14	17		11	11	1	10	11	25	143	168	28	9
Madras	20	183	203	391	2,766	3,157	118	1,946	1,164	102	4,452	4,554	15	72	87	19	9	28	665	8,528	9,193	572	37
Great Southern of India	8	4	12	22	14	36	6	123	129	5	139	322	5	14	19	2		3	48	474	622	79	14
†Great Indian Peninsula	10	150	160	190	2,050	2,240	190	2,600	2,790	65	2,215	2,280	50	600	650	2	25	27	489	7,640	8,089	—	—
†Bombay, Baroda, and Central India	6	12	18	60	340	400	50	170	220	14	2,000	2,014	10	40	50	2	16	18	140	2,578	2,718	—	—
†Scinde																							
†Punjaub	†16	31	47	46	140	186	15	122	137	37	84	121	8	25	34	23	31	54	146	433	679	45	6
†Delhi	5	11	16	—	—	—	—	—	—	22	62	84	—	—	—	—	—	—	27	73	100	Nil.	Nil.
†Indus Flotilla																							

* The Medical Staff is included in this Department.
† The Transport Agent's Department is included in this Department.
‡ Estimated.

22. The large proportion of Europeans on the railway staffs involves a great expense, but it will, I fear, be necessary, for some time at least, to keep up the number. Such situations as accountants, clerks, and station masters can be filled by Natives, but Europeans are required for high positions of responsibility, and for places where professional knowledge and skill, or (as in the cases of engine-drivers,

Guarantee System.

Persons employed.

Number of
Persons employed
on the open
railways.

pointsmen, &c.) where nerve and presence of mind are needed. The pay of all classes of Europeans, from the engine-driver to the traffic manager, being treble or quadruple what it is in this country, it is desirable to train up Natives to learn the various duties connected with railways. This is being done, and the attempts have, to a certain extent, been successful. During the past year a good example has been set by a Native in the Madras Presidency, who, having qualified himself, was selected as a 4th Class Engineer on the Madras Railway.

23. The high pay received by the mechanics affords them the opportunity of saving. By the Act of the East Indian Railway, passed last session, the Company has been enabled to furnish them with a ready means of doing so by establishing savings banks at the different stations.* Provision is also made in some places for their health and recreation, in the shape of baths, games, and libraries. Their religious instruction is also attended to, and it is worthy of record that, in reply to an appeal for pecuniary aid from the Venerable Archdeacon Pratt, of Calcutta, certain shareholders of the East Indian Railway Company voluntarily supplied him, out of their dividends, with a fund of upwards of 8,000*l.* to enable him to provide means for administering to the spiritual wants of the servants of the railway.

24. The following table exhibits the casualties among the European staff of the Companies during the past year:— Medical return.

	East Indian.	Great Indian Peninsula.	Madras.	Bombay, Baroda, and Central India Railway.	Scinde.	Punjab.	Indus Flotilla.	Eastern Bengal.	Calcutta and South-Eastern.	Great South-ern.	Total.
Deaths - - -	11	5	2	1	—	2	—	—	1	—	22
Retirements from ill health - - -	2	4	3	3	—	1	1	2	1	—	17
Nominees rejected by the Examining Physician -	4	16	4	5	2	4	—	1	1	2	39

25. The average number of casualties for the four previous years, *exclusive* of those on the staff of the East Indian, which I was unable to obtain before, but which in this year is nearly one-third of the whole, was 35 per annum. An improvement has, therefore, taken place. The care that is taken to prevent persons physically unfit for active service in India from going out is indicated by the number of rejected candidates. The mortality amongst those who do go out does not average more than one per cent. per annum. Having applied to Dr. W. Brinton, the Consulting Physician to the Companies, for the result of his experience as to the condition of the mechanics who are presented to him for examination, and as to the health of those who may have returned from India after service there, I have received from him the communication which I append to this report.

ACCIDENTS.

26. The following tables, which have been prepared in India, relate to the accidents which occurred on the railways during the year 1863. The total number was 234, of which 194 were on the lines open for traffic, and 40 on the lines under construction. Of the 194 accidents on the open lines, 112 were fatal. This appears a very large number compared with the amount of traffic or with the number of passengers, viz., 10,706,030; but the good or bad management of a line is to be ascertained more from the causes of accidents than their number. Out of the 112 who met with their deaths, it appears that only 18† suffered from causes beyond their control. Of these eight were passengers, and ten were servants of the railway. Three of the eight were killed in consequence of a train on the Great Indian Peninsula Railway being thrown off the line by a stray buffalo, and two lost their lives from a train on the East Indian, getting off the line through the negligence of a guard. The others were purely accidental. With regard to the remaining 96 fatal accidents, 62 were caused either by the misconduct or carelessness of the

* That clause of Act 27 & 28 Viet., cap. clvii., which relates to the establishment of Savings Banks and Provident Institutions for Servants of the East Indian Railways is given in the Appendix.

† The number given in the table is 19, but this includes the case of a lady who got out of the train while it was moving, a cause obviously within her control.

sufferers ; 32 were from trespassing and two (misnamed accidents) were suicides. Of the 82 accidents which resulted only in personal injury, 54 were caused by misconduct, incaution, or carelessness, and 24 arose from no fault of the sufferers.

TABLE No. 1.

NUMBER of PERSONS KILLED and INJURED from all causes on Indian Railways open for Traffic during 1863.

	MADRAS.				BOMBAY.						BENGAL, N. W. P., AND PUNJAB.										TOTAL.		
	Madras Railway.		G. S. of I. Railway.		G. I. P. Railway.		Bombay, Baroda, and Central India Railway.		Sinde Railway.		East Indian Railway.				Eastern Bengal Railway.		Calcutta and South-Eastern Railway.		Punjab Railway.				
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Bengal Division.		N. W. P. Division.		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	
											Killed.	Injured.	Killed.	Injured.									
PASSENGERS.																							
From causes beyond their own control	—	—	—	—	3	15	1	7	—	—	2	—	—	—	—	—	—	—	—	—	—	6	22
From their own misconduct or incaution	—	—	—	—	—	1	—	1	—	1	3	2	—	—	—	—	—	—	—	—	—	3	5
Total Passengers	—	—	—	—	3	16	1	8	—	1	5	2	—	—	—	—	—	—	—	—	—	9	27
PERSONS CONNECTED WITH THE RAILWAY.																							
SERVANTS OF THE COMPANY OR CONTRACTORS.																							
From causes beyond their own control	1	—	—	—	1	—	2	1	2	—	1	—	1	—	2	—	—	—	—	5	10	6	
From their own misconduct or incaution	7	2	1	—	5	15	11	6	4	6	22	12	2	2	2	—	3	—	2	—	59	43	
Total persons connected with the Railway	8	2	1	—	6	15	13	7	6	6	23	12	3	2	4	—	3	—	2	5	69	49	
OTHERS, NEITHER PASSENGERS NOR RAILWAY COMPANY'S SERVANTS.																							
Trespassers	2	1	1	—	11	2	3	—	2	—	11	2	—	—	—	—	1	—	1	—	32	5	
Suicide	1	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	2	1	
Total persons unconnected with the Railway	3	1	1	—	11	2	3	—	2	—	11	3	—	—	1	—	1	—	1	—	34	6	
Grand Total killed or injured	11	3	2	—	20	33	17	15	8	7	39	17	3	2	5	—	4	—	3	5	112	82	
Mean length in miles of Railway open during the year	446½		79		495½		185½		105		608		316		110		24		39		2,408		
Number of Passengers carried	1,319,977		313,502		3,266,195		861,244		123,930		2,727,618		549,248		938,053		229,546		375,717		10,705,030		

TABLE No. 2.

STATEMENT of ACCIDENTS upon Railways in India during 1863, showing the Number of Accidents to Trains, &c., and Number of Persons unconnected with the Railways killed and injured thereby.

NATURE OF ACCIDENTS.	No. of Accidents.	Causes of Accidents.																Improper interference by Persons not under the control of the Company.	Malicious attempt of Persons not under the control of the Company.
		Passengers or Persons unconnected with the Railway.		Purely Accidental.	Causes arising from Rolling Stock or Road.				Causes attributable to the Management.										
					Neglect of		Defective condition of		Defective Discipline.										
					Killed.	Injured.	Machinery of Train.	Road.	Machinery of Train.	Road.	Unpunctuality.		Insufficient or inadequately enforced Regulations.	Defective System for securing intervals between Trains.	Negligence of Servants.				
Accidental.	Defective or inadequately enforced System.																		
MADRAS RAILWAY—(446 MILES OPEN).																			
Engines or Carriages leaving the Rails	2	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-	-	-
Collisions	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Trains running through Facing Points	1	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
1862—3—(393 open). Total	4	-	-	-	-	1	-	1	-	-	-	-	-	-	-	2	-	-	-
GREAT INDIAN PENINSULA RAILWAY—(495 OPEN).																			
Engines or Carriages leaving the Rails	36	3	14	2	-	4	2	9	-	-	-	-	-	-	-	19	-	-	-
Collisions	16	-	-	-	-	-	-	-	-	-	-	-	-	-	-	16	-	-	-
Miscellaneous	59	-	-	24	-	14	7	-	-	-	1	-	-	-	-	13	-	-	-
1862—149—(543 open). Total	111	8	14	26	-	18	9	9	-	-	1	-	-	-	-	48	-	-	-

TABLE No. 2—continued.

STATEMENT of ACCIDENTS upon Railways in India during 1863, showing the Number of Accidents to Trains, &c., and Number of Persons unconnected with the Railways killed and injured thereby.

NATURE OF ACCIDENTS.	No. of Accidents.	Passengers or Persons unconnected with the Railway.		Causes of Accidents.										Improper interference by Persons not under the control of the Company.	Malicious attempt of Persons not under the control of the Company.	
				Causes arising from Rolling Stock or Road.				Causes attributable to the Management.								
				Purely Accidental.		Neglect of	Defective condition of	Defective Discipline.								
								Unpunctuality.		Insufficient or inadequately enforced Regulations.	Defective System for securing intervals between Trains.	Negligence of Servants.				
Machinery of Train.	Road.	Machinery of Train.	Road.	Accidental.	Defective or inadequately enforced System.											
BOMBAY, BARODA, AND CENTRAL INDIA RAILWAY—(185 MILES OPEN).																
Engines or Carriages leaving the Rails - - - -	6	-	7	-	-	2	-	-	-	-	-	-	4	-	-	
Collisions - - - -	2	-	-	-	-	-	-	-	-	-	-	-	2	-	-	
Miscellaneous - - - -	17	-	-	12	-	2	3	-	-	-	-	-	-	-	-	
1862—20—(144 open). Total	25	-	7	12	-	4	3	-	-	-	-	-	6	-	-	
SINDH RAILWAY—(105 OPEN).																
Engines or Carriages leaving the Rails - - - -	21	-	-	1	-	4	1	3	-	-	-	-	12	-	-	
Collisions - - - -	5	-	-	-	-	-	-	-	-	-	-	-	5	-	-	
Miscellaneous - - - -	14	-	-	4	-	1	1	-	-	-	-	-	8	-	-	
1862—67—(105 open). Total	40	-	-	5	-	5	2	3	-	-	-	-	25	-	-	
EAST INDIAN RAILWAY, BENGAL DIVISION—(608 OPEN).																
Engines or Carriages leaving the Rails - - - -	11	2	-	-	-	-	-	-	-	-	-	-	11	-	-	
Collisions - - - -	8	-	-	2	-	-	-	-	-	-	-	-	6	-	-	
Miscellaneous - - - -	5	-	-	1	-	-	-	-	-	-	-	-	4	-	-	
1862—9—(368 open). Total	24	2	-	3	-	-	-	-	-	-	-	-	21	-	-	
EAST INDIAN RAILWAY, N.W.P. DIVISION—(316 OPEN).																
Engines or Carriages leaving the Rails - - - -	7	-	-	1	-	-	1	1	-	-	-	-	4	-	-	
Collisions - - - -	8	-	-	1	-	-	-	-	-	-	-	-	7	-	-	
Trains running through facing points - - - -	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	
Miscellaneous - - - -	7	-	-	5	-	-	-	-	-	-	-	-	1	-	1	
1862—27—(271 open). Total	23	-	-	8	-	-	1	1	-	-	-	-	12	-	1	
EASTERN BENGAL RAILWAY—(110 OPEN).																
Engines or Carriages leaving the Rails - - - -	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	
Collisions - - - -	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	
1862—0—(19 open). Total	2	-	-	-	-	-	-	-	-	-	-	-	2	-	-	
PUNJAB RAILWAY—(39 OPEN).																
Collisions - - - -	3	-	-	-	-	-	-	-	-	-	-	-	3	-	-	
Miscellaneous - - - -	2	-	-	-	-	-	-	-	-	-	-	-	2	-	-	
1862—0—(23 open). Total	5	-	-	-	-	-	-	-	-	-	-	-	5	-	-	
Grand Total	234	5	21	54	-	28	15	14	-	-	1	-	121	-	1	
ABSTRACT OF ALL LINES—(2,408 MILES OPEN).																
Engines or Carriages leaving the Rails - - - -	84	5	21	4	-	11	4	13	-	-	-	-	52	-	-	
Collisions - - - -	44	-	-	3	-	-	-	-	-	-	-	-	41	-	-	
Trains running through facing points - - - -	2	-	-	1	-	-	-	1	-	-	-	-	-	-	-	
Miscellaneous - - - -	104	-	-	46	-	17	11	-	-	-	1	-	28	-	1	
1862—276—(1,866 OPEN).																
Grand Total	234	5	21	54	-	28	15	1	-	-	1	-	121	-	1	

TABLE No. 3.

STATEMENT showing the Number of PASSENGERS carried, and those killed or injured from Causes beyond their own control in 1863.

Railways.	Total Number.		Proportion per Million.		Total Number of Passengers carried.
	Killed.	Injured.	Killed.	Injured.	
Madras - - - - -	—	—	—	—	1,319,977
Great Southern of India - - - - -	—	—	—	—	313,502
Great Indian Peninsula - - - - -	3	15	0·92	4·59	3,266,195
Bombay, Baroda, and Central India - - - - -	1	7	1·16	8·13	861,244
Sindh - - - - -	—	—	—	—	123,930
East Indian, Bengal Division - - - - -	5	—	1·80	—	2,727,618
Ditto, N. W. P. Division - - - - -	—	—	—	—	549,248
Eastern Bengal - - - - -	—	—	—	—	938,053
Calcutta and South-Eastern - - - - -	—	—	—	—	229,546
Punjab - - - - -	—	—	—	—	375,717
Total - - - - -	9	22	0·84	2·05	10,705,030
Average on Railways in Great Britain in 1860 - - - - -	30	479	0·15	2·4	193,944,156

TABLE No. 4.

Showing the Total Number of ACCIDENTS to Persons of all kinds on the Railways open for Traffic in each Presidency, during the Year 1863.

Presidency.	Length of Rail-way open.	Total Num-ber of Passengers carried.	Average Number of Passengers per mile open.	Passengers.		Servants.				Trespasses, &c.		Total.		
				Killed.	Injured.	Beyond		Within		Killed.	Injured.	Killed.	Injured.	Killed and Injured.
						own control.								
						Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed and Injured.
Bengal - -	1,097	4,820,182	4,394	5	2	4	5	31	14	14	3	54	24	78
Madras - -	525½	1,633,479	3,108	—	—	1	—	8	2	4	1	13	3	16
Bombay - -	785½	4,251,369	5,412	4	25	5	1	20	27	16	2	45	55	100
Grand Total -	2,408	10,705,030	4,446	9	27	10	6	59	43	34	6	112	82	104

27. The accidents above recorded relate to the year 1863. During that year there were no unusual storms or floods; and, therefore, none of the accidents were caused by these convulsions of nature. But during the following year, as has been already remarked, severe damage was done to some of the lines, and in one or two instances loss of life was occasioned by the effects of the monsoon.

28. The following serious lists of casualties during the year 1864 has been supplied to me by the various Railway Companies :—

Railway.	Death from Accidents on open Lines in 1864.				Remarks.
	Total.	Pas-sengers.	Railway Officers.	Others.	
East Indian - - -	2	Nil.	2	Nil.	One caused by a collision, the other by the bite of a tiger.
Great Indian Peninsula -	40	19	21	Nil.	Cause described, para. 5.
Bombay and Baroda - -	4	1	2	1	The passenger jumped out of the train while on fire.
Scinde - - -	7	Nil.	3	4	Caused by carelessness or recklessness in course of executing duty.
Eastern Bengal - - -	1	Nil.	1	Nil.	
Madras - - -	9	Nil.	3	6	
Total - - -	63	20	32	11	

CAPITAL EXPENDITURE.

29. The total expenditure of capital on the lines which are open and are in course of construction, amounted, on the 1st May instant, to 54,942,029*l*. During the past year, the expenditure has been 3,806,044*l*. Of this, about 2,418,345*l*. was expended in India and 1,387,699*l*. in England.

30. On the 1st May 1864, the Railway Companies had a balance of unexpended capital to the amount of 3,044,103*l*. in the Government Treasury. They have raised during the year 3,716,856*l*.; so that, after deducting the amount expended in this country and in India, there was, on the 1st May instant, a sum of about 2,900,000*l*. available for this year's expenditure, which, it is estimated, will amount to about 5,100,000*l*. The Railway Companies will probably raise, during the next year, a sum of 4,000,000*l*., which, with the said balance, will cover the estimated expenditure, and leave a sum of 1,800,000*l*. to go on with on the 1st May 1866.

31. The expenditure is expected to be more this year than last, both on account of the greater activity with which the works on the Delhi line will be carried on, and in consequence of the fresh contracts made and to be made by the Great Indian Peninsula Railway Company for continuing their line towards Madras.

32. The following Tables exhibit the financial position of each Company :—

STATEMENT No. 1.

Showing the Amount raised and expended by each Company during the year 1864-65.

Railway.	Sums standing to the Credit of the Companies on the 30th April 1864.	Sums advanced to the Companies on the 30th April 1864.	Amount raised between 1st May 1864 and 30th April 1865.		Amount expended			Total Expended during the Year ended 30th April 1865, (partly estimated).	
			By Shares or by converting Debentures into Stock.	By Debentures.	In England, between 1st May 1864 and 30th April 1865.	In India.			
						Date to which Accounts have been received.	Amount.		Estimated Expenditure between dates specified and 30th April 1865.
	£	£	£	£	£	£	£	£	
East Indian - { Main line - Jubbulpore line -	341,904	1,275,654	496,020*	269,237	31st Jan. 1865	504,876	215,000	1,771,674	989,113
Great Indian Peninsula -	1,139,487	221,584	18,000	344,611	"	578,642	150,000	239,584	1,073,253
Madras - - { S.-W. line - N.-W. line -	— 1,506,758	866,229 —	—	301,319	28th Feb. "	194,875	30,000	624,402	526,194
Scinde - - -	74,871	97,991	—	30,670	31st Jan. "	26,782	3,000	97,991	60,452
Indus Flotilla - - -	15,544	—	—	32,227	"	2,861	2,000	—	37,088
Punjab - - -	116,688	555	—	97,670	28th Feb. "	179,398	60,000	555	337,068
Delhi - - -	1,005,368	1,409	—	4,867	"	46,468	20,000	1,409	71,335
Bombay, Baroda, and Central India	—	307,691	413,350	165,397	31st Jan. "	249,735	75,000	721,041	490,132
Eastern Bengal - - -	—	—	200,000	80,175	"	4,850	2,000	200,000	87,025
Calcutta and South-Eastern	—	—	54,000	2,330	"	9,174	2,000	54,000	13,504
Great Southern - - -	192,822	6,200	—	59,196	28th Feb. "	46,684	15,000	6,200	120,880
Total - - -	4,393,442	2,535,486	1,181,370	1,387,699	—	1,844,345	574,000	3,716,856	3,806,044
	Net Balance - £3,044,103								

* Fresh Debentures to the amount of 1,187,900*l.* have been issued during the year, but in the same period 691,880*l.* of old Debentures have been converted into Stock, leaving the balance above given.

STATEMENT No. 2.

Estimated Expenditure of Railway Capital for the Year 1865-66 on Capital and Revenue Account.

Railway.	Estimated Expenditure from 1st May 1865 to 30th April 1866.			Sum standing to the Credit or Debit of the Companies on the 1st May 1865 (partly estimated).	Sums to be raised by the Companies.	Total Amount now placed and to be placed in the Home Treasury of Government for 1865-66.	Estimated Balance on the 1st May 1866.
	In England.	In India.	Total.				
	£	£	£	£	£	£	£
East Indian - { Main line - Jubbulpore -	150,000	350,000	500,000	1,124,467	375,533	1,500,000	400,000
Great Indian Peninsula -	100,000	500,000	600,000				
Madras - { S.-W. line - N.-W. " -	350,000	750,000	1,100,000	297,397	1,202,603	1,500,000	400,000
Scinde -	50,000	100,000	150,000	415,032	784,968	1,200,000	300,000
Indus Flotilla -	300,000	450,000	750,000				
Punjab -	45,000	125,000	170,000	34,912	145,088	180,000	10,000
" Delhi -	150,000	50,000	200,000	Dr. 21,544	231,544	210,000	10,000
Bombay, Baroda, and Central India -	55,000	245,000	300,000	Dr. 219,824	569,824	350,000	50,000
Eastern Bengal -	100,000	400,000	500,000	935,113	14,887	950,000	450,000
Calcutta and South-Eastern -	300,000	250,000	550,000	32,069	617,931	650,000	100,000
Great Southern of India -	20,000	30,000	50,000	1,688	58,312	60,000	10,000
	30,000	40,000	70,000	Dr. 10,819	90,819	80,000	10,000
	150,000	60,000	210,000	74,443	175,557	250,000	40,000
Total	1,800,000	3,350,000	5,150,000	Cr. 2,915,121 Dr. 252,187 Net Cr. 2,662,934	4,267,066	6,950,000	1,780,000

STATEMENT No. 3.

Showing the Amount of Capital estimated to be required for each Undertaking, with a single Line, as now sanctioned, the Amount raised, and the Amount expended, to 30th April 1865.

Railway.	Amount estimated to be required for the Undertaking as now sanctioned.	Amount authorized by Government to be raised up to 30th April 1865.				Amount raised in England to 30th April 1865.				Amount raised in India to Date of last Advices.	Total raised to 30th April 1865.	Total Amount advanced for Expenditure to 30th April 1865 (partly estimated).
		Share Capital.	Debtentures.		Total.	By Shares.	By Debtentures.		Inconvertible.			
			Convertible into Shares.	Inconvertible.			Convertible.	Inconvertible.				
East Indian	£ 26,500,000	£ 17,969,681	£ 1,780,319	£ 3,000,000	£ 22,750,000	£ 15,738,037	£ 1,780,319	£ 3,000,000	£ 276,887	£ 20,795,243	£ 21,865,112	
Great Indian Peninsula	3,500,000	2,000,000	1,200,000	—	3,200,000	1,932,165	1,187,900	—	7,665	3,147,730	953,394	
	16,000,000	11,000,000	—	3,000,000	14,000,000	9,670,325	—	2,320,000	371,298	12,361,623	12,064,226	
Madras	5,500,000	3,475,150	1,191,550	333,300	5,000,000	3,471,128	1,191,750	333,000	—	4,995,878	} 7,207,580	
	4,500,000	3,000,000	—	—	3,000,000	2,643,352	—	—	—	2,643,352		
Sind	2,000,000	1,663,400	186,600	150,000	2,000,000	1,620,015	186,600	150,000	21,695	1,978,310	1,943,398	
Indus Flotilla	600,000	545,100	82,900	—	628,000	250,005	82,900	—	—	332,905	354,449	
Punjab	3,000,000	1,500,000	—	500,000	2,000,000	1,465,813	—	500,000	8,344	1,974,157	2,193,981	
„ Delhi	6,000,000	2,500,000	—	—	2,500,000	1,042,187	—	—	5,302	1,047,489	112,376	
Bombay, Baroda, and Central India	6,000,000	4,150,000	1,250,000	100,000	5,500,000	4,078,487	1,205,245	100,000	21,662	5,405,394	5,373,325	
Eastern Bengal	1,800,000	1,000,000	—	600,000	1,600,000	990,745	—	600,000	9,255	1,600,000	1,598,312	
Calcutta and South-Eastern	600,000	310,000	190,000	—	500,000	290,377	144,000	—	19,623	454,000	464,819	
Great Southern	1,500,000	866,300	162,000	137,300	1,165,600	634,679	149,600	100,000	1,221	885,500	811,057	
Total	77,500,000	49,979,631	6,043,369	7,820,600	63,843,600	43,847,315	5,928,314	7,103,000	742,952	57,621,581	54,942,029	

* Including the chord line to Luckeserai, *via* Barrakur.

33. The following table shows the sums that have been annually expended since the commencement of operations, and the mileage completed in each year. As the expenditure applies to the works in progress, as well as to those which are finished, the mileage does not bear any relative proportion to the expenditure; this is particularly exemplified in the years 1859 and 1862:—

Year.	Miles opened during the Year.	Expended in England.	Expended in India.	Total.
		£	£	£
Up to 1850 -	—	130,375	44,781	175,156
In 1851 -	—	154,212	197,111	351,323
" 1852 -	—	174,920	252,640	427,560
" 1853 -	22 $\frac{1}{4}$	252,484	418,165	670,649
" 1854 -	50 $\frac{1}{4}$	960,878	768,710	1,729,588
" 1855 -	98 $\frac{1}{4}$	1,939,101	1,431,904	3,371,005
" 1856 -	101 $\frac{3}{4}$	1,752,813	1,765,094	3,517,907
" 1857 -	143	1,324,873	2,092,395	3,417,268
" 1858 -	145	1,940,052	3,551,073	5,491,125
" 1859 -	74 $\frac{1}{2}$	2,507,949	4,654,923	7,162,872
" 1860 -	208	2,396,924	5,192,846	7,589,770
" 1861 -	759	1,596,010	4,962,604	6,558,614
" 1862 -	747	1,854,289	3,956,563	5,810,852
" 1863 -	233 $\frac{1}{2}$	1,411,661	3,360,114	4,771,775
" 1864 -	402 $\frac{1}{4}$	1,387,699	2,418,345	3,806,044

34. It will be observed that a sum of about 2,500,000*l.* has been expended in India during the past year. The capital being paid by the Companies into the Government Treasury *here*, this sum was advanced by the Government *there* in rupees. The rupee, under the contract (as explained in a former report) is charged to the Companies at the rate of 1*s.* 10*d.* The ruling rate of exchange during the year having been about 2*s.*, the Government, as has been usual lately, advanced 2*d.* in every rupee more than they received, or about 220,000*l.* in the aggregate. On the other hand, the Government received from the earnings of the Railway Companies a sum of about Rs. 1,09,00,000, which was likewise converted into pounds sterling at the same rate of 1*s.* 10*d.* before it was credited to the Railway Companies in this country for the payment of the guaranteed interest. The Government thus profited to the extent of the difference between 1,000,000*l.* and 1,090,000*l.* As far, therefore, as this year's operations are concerned, the loss and gain by Government have been respectively 220,000*l.* and 90,000*l.* Each year this loss will diminish, and, when the revenue receipts become larger than the capital expenditure in India, which will soon be the case, the balance of gain, which has hitherto always been on the side of the Railway Companies, will be on the side of Government.

35. The following statement shows the manner in which the expenditure on the various undertakings has been divided:—

Railway.	Works and Bridges, &c.	Permanent Way and Stations.	Freight and Insurance, &c.	Rolling Stock.	Establishments.	Miscellaneous, Electric Telegraph, Stores, &c.
	£	£	£	£	£	£
East Indian* - - -	7,500,000	5,370,000	2,300,000	2,550,000	2,850,000	1,950,000
Great Indian Peninsula - -	4,931,785	2,545,864	2,057,077 including Miscellaneous Stores.	1,053,750	724,200	—
Madras - - - -	2,278,032	2,195,142	—	471,858	522,598	243,893
Bombay, Baroda, and Central India	1,791,032	996,639	423,808	462,151	359,336	512,844
Scinde - - - -	700,000	346,926	146,699	168,382	109,330	273,400
Punjab - - - -	100,011	635,623	402,372	202,004	137,705	233,484
Indus Flotilla - - -	14,016	258,355	10,512	—	23,839	51,589
Eastern Bengal - - -	491,919	534,975	135,765	119,253	159,102	71,435

* Given approximately.

TRAFFIC.

Traffic Revenue.

36. During the year 1864 the revenues of the chief Indian Railways have made a considerable advance, and the general results of the traffic may be regarded as satisfactory. But on the smaller lines, such as the Scinde, the Great Southern, and the Calcutta and South-Eastern, there has been a falling off in the traffic receipts. This has been produced by various local causes, and chiefly by such as will be removed. A speedy improvement may, therefore, be looked for.

In 1862-63 the revenue derived from 2,151 miles of railway was 690,834*l*.

In 1863-64 " " 2,489 " " 915,077*l*.

Railway.	Year ending 30th June 1863.		Year ending 30th June 1864.	
	Mean Mileage open.	Net Receipts.	Mean Mileage open.	Net Receipts.
		£		£
East Indian - - - -	797	382,009	978	507,084
Great Indian Peninsula - - -	484	143,048	550	153,203
Madras - - - -	407	48,493	478	119,000
Bombay, Baroda, and Central India -	166	62,331	185½	About 70,000
Scinde - - - -	114	18,994	114	6,657
Punjab - - - -	43	4,342	43	5,220
Eastern Bengal - - - -	112	Half-year 17,421	112	43,413
Great Southern - - - -	28½	14,196	28½	10,500
	2,151½	690,834	2,489	915,077

Charges for Maintenance and Working.

37. The following statement exhibits the relative proportions of the various charges for maintenance and working during the last two years :—

Railway.	Maintenance.		Locomotive.		Repairs to Rolling Stock.		Traffic.		Compensation.		Miscellaneous.	
	1863.	1864.	1863.	1864.	1863.	1864.	1863.	1864.	1863.	1864.	1863.	1864.
East Indian - - - -	25·36	24·49	36·60	36·05	8·77	7·69	13·11	16·03	·08	·02	16·07	15·72
Great Indian Peninsula - - -	18·96	18·61	26·76	31·22	9·46	9·30	21·50	19·55	16·57	15·25	6·75	6·70
Madras { South-Western	48·64	52·48	33·70	43·37	1·32	1·99	12·20	15·44	·59	—	3·55	6·22
{ North-Western	20·16	28·69	58·33	44·34	1·89	2·35	16·85	16·16	—	·20	2·77	8·46
Scinde - - - -	35·49	35·91	28·39	29·41	11·10	10·06	15·29	14·59	·01	0·85	9·72	9·18
Punjab - - - -	15·08	13·19	27·14	33·36	8·99	included in	22·31	25·51	—	—	26·48	27·94
Bombay, Baroda, and Central India - - -	25·19	*	39·01	*	3·36	*	17·34	*	·81	*	14·29	—
Eastern Bengal - - -	11·18	19·38	39·65	40·7	6·86	—	17·59	23·86	—	—	24·74	16·74
Calcutta and South-Eastern - - - { out of capital }	22·43	—	52·67	—	47·84	—	34·29	43·09	—	—	13·04	18·29
Great Southern - - -	6·52	23·82	—	65·	—	55·02	14·10	12·59	—	—	14·38	8·56
Average of Lines in the United Kingdom	18·99	18·95	27·79	27·62	8·71	9·33	27·95	27·92	1·59	1·65	14·97	14·55

* Accounts not yet received from India.

GUARANTEED INTEREST.

Guaranteed Interest.

38. The following statement shows the amount that has been advanced to the several Railway Companies by the Government for guaranteed interest during the past and previous years :—

Railway.	Interest paid up to 31st December 1863.			Interest paid during 1864.									Total Amount paid up to end of 1864.		
				England.			India.			Total.					
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
East Indian - - -	5,200,109	1	2	1,045,496	17	7	11,952	2	0	1,057,448	19	7	6,257,558	0	9
Great Indian Peninsula	2,295,770	10	0	538,079	13	7	18,411	12	0	556,491	5	7	2,852,261	15	7
Madras - - -	1,480,197	6	1	345,284	18	9	—	—	—	345,284	18	9	1,825,482	4	10
Scinde - - -	338,336	7	9	91,421	9	9	1,041	1	7	92,462	11	4	430,798	19	1
Punjab - - -	229,448	5	5	93,617	5	2	416	11	1	94,033	16	3	323,482	1	8
Delhi - - -	37,986	2	11	52,097	8	2	177	6	1	52,274	14	3	90,260	17	2
Indus Steam Flotilla -	68,080	6	9	16,644	8	5	—	—	—	16,644	8	5	84,724	15	2
Bombay, Baroda, and Central India - -	588,238	15	11	222,678	17	2	1,083	2	4	223,761	19	6	812,000	15	5
Eastern Bengal - -	207,774	7	1	69,662	0	0	338	0	0	70,000	0	0	277,774	7	1
Calcutta and South- Eastern - - -	55,806	19	5	18,869	13	8	942	0	3	19,811	13	11	75,618	13	4
Great Southern - -	91,047	0	7	39,529	7	0	—	—	—	39,529	7	0	130,576	7	7
Total -	£10,592,795	3	1	2,533,381	19	3	34,361	15	4	2,567,743	14	7	13,160,538	17	8

Accountant General's Department,
28th April 1865.

(Signed) W. G. GOODLIFFE,
Assistant Accountant General.

39. Of the 13,160,500*l.* paid by the Government during the last 14 years to the various Companies in the shape of guaranteed interest, about 3,300,000*l.* has been paid back out of the earnings of the railways. A sum of nearly 10 millions is, therefore, still due from the Companies to the Government. The annual charge upon the Government has increased from 2,323,605*l.* in 1864 to 2,567,743*l.* in 1865. By the 1st January next year it will probably have increased to 2,700,000*l.* But the receipts from the traffic, which go in diminution of the above, and which in the year 1863-64 amounted to about 1,000,000*l.*, will in 1864-65 probably reach 1,300,000*l.* Year by year, as additional lines are open and traffic is developed, the revenues from the railways will approach nearer and nearer to the amount of the guaranteed interest, and at last the Government will not only be relieved of the annual payment altogether but the railways will begin to earn more than the guaranteed rate and to discharge their debt for previous advances out of half the excess profits over 5 per cent.

	To June, 1864.	£
East Indian - - -	-	1,653,000
Great Indian Peninsula	-	612,000
Madras - - -	-	260,000
Bombay, Baroda, and Central India - -	-	124,000
Scinde - - -	-	75,000
Great Southern - -	-	35,000
Eastern Bengal - -	-	61,000
		2,820,000
Estimated addition from June to Dec. 1864 -	-	500,000
		£3,320,000

40. Although it will be some time before the Government will receive back the large sum due to them, there is enough in the present condition of the lines to encourage the hope that ultimately it *will* be paid. In the mean time, the State obtains, both directly and indirectly, a return which fully compensates for the liability which it has incurred. In the form of direct gains may be reckoned the free conveyance of mails, a great reduction in the expense of moving troops and public stores, and an increased revenue from salt; while the indirect advantages are incalculable, whether we regard as such the greater security to the country which railways afford, the impulse they give to commerce and agriculture, or the extent to which they promote natural prosperity and individual comfort.

RATES AND FARES.

41. The following table will show the existing rates of charge for passengers and Fares. goods:—

Railway.	Passenger, per Mile.				Goods, per Ton per Mile.				
	1st Class.	2d Class.	3d Class.	4th Class.	1st Class.	2d Class.	3d Class.	4th Class.	5th Class.
East Indian - - -	$d. \frac{1}{2}$	$d. \frac{3}{4}$	$d. \frac{1}{2}$	$d. \frac{3}{8}$	$d. 1\frac{1}{4}$	$d. 1\frac{1}{2}$	2	$d. 3\frac{1}{2}$	7
Great Indian Peninsula -	$d. 1\frac{3}{4}$	1	$d. 1\frac{3}{4}$	—	—	—	—	—	—
Madras - - -	$d. 1\frac{3}{4}$	$d. \frac{5}{8}$	$d. 1\frac{3}{4}$	—	$1 \& 1\frac{1}{4}$	2	$2\frac{1}{4}$	$3\frac{1}{4}$	3
Bombay and Baroda - -	$d. 1\frac{3}{4}$	1	$d. 1\frac{3}{4}$	—	1	$1\frac{1}{2}$	2	$2\frac{1}{2}$	$3\frac{3}{4}$
Scinde - - -	$d. 1\frac{1}{4}$	$d. \frac{3}{4}$	$d. 1\frac{1}{4}$	—	$d. 1\frac{1}{4}$	$d. 1\frac{3}{4}$	$3\frac{1}{4}$	—	—
Punjab - - -	$d. 1\frac{1}{2}$	1	$d. 1\frac{1}{2}$	—	1	$1\frac{1}{2}$	$2\frac{1}{2}$	$3\frac{1}{2}$	—
Eastern Bengal - -	$d. 1\frac{1}{2}$	$d. \frac{3}{4}$	$d. 1\frac{1}{2}$	$d. \frac{3}{8}$	$d. 1\frac{1}{4}$	$d. 1\frac{1}{2}$	2	$3\frac{1}{2}$	7
Calcutta and South- Eastern - - -	$d. 1\frac{1}{2}$	$d. \frac{3}{4}$	$d. 1\frac{1}{2}$	$d. \frac{3}{8}$	—	—	—	—	—
Great Southern - -	$d. 1\frac{1}{2}$	1	$d. 1\frac{1}{2}$	—	—	—	—	—	—

Government control over Fares.

42. It has been alleged that the Government, in exercising the control which under the contracts they possess over the regulation of the fares, may think fit to require the adoption of such a scale of charges as will bring the railway within the compass of as many people as possible, without considering the effects of too low a scale upon the receipts or profits. It is hardly necessary to observe that no such idea has been entertained. It would, in the first place, be contrary to the just principles of modern legislation, to confer advantages on one class of the community at the expense of the whole. The people of India are now taxed to pay the guaranteed interest. For their protection Government properly exercises a control over the Railway Companies, with the two-fold object of securing such a system of good management as shall provide all the legitimate advantages of railway communication for the country at large, as well as such profits as shall release the Government from the payment of the guaranteed interest. In the second place, the best means of encouraging capital and enterprise in India is to afford an example of success in the works which have been undertaken. When the main lines, which have cost so large a sum, earn dividends of 5, 6, 8, and 10 per cent., the difficulty which now exists in inducing capitalists to promote public works in India will be removed. It must not be thought, however, that high fares and high profits are synonymous; on the contrary, my belief is that low fares, that is to say low compared with those in Europe, are perfectly compatible with large and remunerative receipts.

43. I now proceed to give a brief account of the condition of each undertaking; and for a general view of the progress of the traffic on the principal lines I would refer to the interesting diagrams of Colonel Baker, appended, with his permission, to this report.

EAST INDIAN RAILWAY.

East Indian.

44. With the exception of the bridges over the Jumna at Allahabad and Delhi, an uninterrupted traffic between Calcutta and Delhi has been carried on during the year on this railway. The bridge at Allahabad was expected to be opened by March last, but this expectation has not been realized, and three or four months will probably still elapse before it is finished. It is a work of great magnitude, comprising 15 spans of 200 feet each, the superstructure of which is made of iron girders sent out from this country. The works on the Jubbulpore line have progressed in a satisfactory manner, and it is expected that the time at which this work should, under the contract with Messrs. Waring Brothers and Hunt, be completed, viz., 31st March 1867, will not be much exceeded.

45. The traffic on the main line has, during the past year, improved in every way. The gross earnings, both from passengers and goods, have increased, and the expenses have diminished. The effects of the audit system, which was established last year, are apparent in the accuracy of the accounts and the punctuality with which they are rendered.

46. In five years the open length of this line has increased from 166 miles to 1,140 miles; the receipts have risen from 96,651*l.* to 626,132*l.* per annum, and the number of passengers conveyed, from 1,272,000 to 3,658,000.

47. Making allowance for the extraordinary magnitude and the novelty of the undertaking, the short time it has been open, and the imperfect materials at hand for working it, the results are, upon the whole, very favourable. Room for improvement no doubt exists, and the Board is introducing such reforms as are necessary. With the view of improving the management in India, it has recently proposed to alter the constitution of the Agency. Instead of placing the whole administration of its affairs in the hands of one individual, the Board think of associating with their present Agent two other officers, who would relieve him of his arduous personal labours by taking special duties and responsibilities upon themselves. In a committee formed by these three and the Consulting Engineer to Government matters relating to the general affairs of the Company in India would be settled, the Chief Agent having, under certain circumstances, the privilege of veto over the decision of his coadjutors, and the Consulting Engineer retaining the power of control vested in the Government.

STATEMENT No. I.

COMPARATIVE STATEMENT, showing the Amount of Receipts from Passengers and Goods, the Working Expenses, and the Net Profits, during the Years ending 30th June 1861, 1862, 1863, and 1864. East Indian Traffic Statement.

BENGAL DIVISION.

Period.	Mean Number of Miles open.	Receipts from Conveyance of			Total Receipts.	Working Expenses.			Net Profits.
		Passengers.	Merchandise and Minerals.	Miscellaneous.		Working.	Maintenance.	Total.	
		£	£	£	£	£	£	£	£
Half-year ending 31st December 1863 -	608½	132,900	192,222	20,631	345,753	161,811	54,986	216,797	128,956
Ditto, 30th June 1864 -	674	176,936	289,330	22,223	488,489	178,614	65,884	244,498	243,991
Year ending 30th June 1864 -	642	309,836	481,552	42,854	834,242	340,425	130,870	461,295	372,947
Year ending 30th June 1863 -	501	231,388	343,552	17,543	592,483	222,481	85,576	307,057	285,426
Year ending 30th June 1862 -	311	148,107	230,302	15,037	393,446	129,069	69,595	198,664	194,782
Ditto, 1861 - - -	217	116,371	{ 85,504 81,192 }	13,436	297,533	112,525	30,869	143,394	153,139

NORTH-WEST PROVINCES DIVISION.

Period.	Number of Miles open.	Receipts from Conveyance of			Total Receipts.	Working Expenses.			Net Profits.
		Passengers.	Merchandise.	Miscellaneous.		Working.	Maintenance.	Total.	
		£	£	£	£	£	£	£	£
Half-year ending 31st December 1863 -	328½	45,378	72,496	10,064	127,938	64,488	13,200	77,688	50,250
Ditto, 30th June 1864 -	346	62,533	86,481	8,288	157,302	65,071	14,701	79,772	77,530
Year ending 30th June 1864 -	337	107,911	158,977	18,352	285,240	129,559	27,901	157,460	127,780
Year ending 30th June 1863 -	296	82,081	122,224	3,764	208,069	93,303	18,193	111,486	96,583
Year ending 30th June 1862 -	245½	62,268	92,857	4,634	159,759	44,092	29,453	73,545	86,214
Ditto, 1861 - - -	123	38,623	68,479	3,839	110,941	—	—	49,501	61,441

STATEMENT No. II.

BENGAL DIVISION.

Period.	Percentage of Working Expenses to Gross Receipts.	Proportion per cent. of Receipts from	
		Passengers.	Goods.
Year ending 30th June 1861	48·35	39·3	60·7
" " 1862	50·49	39·63	60·37
" " 1863	51·80	38·8	61·2
" " 1864	55·2	37·1	54·7

NORTH-WEST PROVINCES DIVISION.

Period.	Percentage of Working Expenses to Gross Receipts.	Proportion per cent. of Receipts from	
		Passengers.	Goods.
Year ending 30th June 1861	44·61	34·8	65·2
" " 1862	46·03	36·13	63·87
" " 1863	53·60	39·4	60·6
" " 1864	55·2	37·8	55·7

STATEMENT No. III.

BENGAL DIVISION.

Period.	Number of Miles open.	Number of Passengers.			Total Number of Passengers.
		1st Class.	2d Class.	3d Class.	
Year ending 30th June 1861 -	217	19,403	69,583	1,561,461	1,650,447
" " 1862 -	311	22,420	76,421	1,838,259	1,937,100
" " 1863 -	501	27,786	86,638	2,310,757	2,425,181
" " 1864 -	674	27,057	71,689	2,928,578	3,027,324

NORTH-WEST PROVINCES DIVISION.

Period.	Number of Miles open.	Number of Passengers.			Total Number of Passengers.
		1st Class.	2d Class.	3d Class.	
Year ending 30th June 1861 -	123	2,856	4,872	219,078	226,806
" " 1862 -	245	3,874	7,079	331,982	342,935
" " 1863 -	292	4,649	9,427	463,088	477,164
" " 1864 -	346	5,752	11,957	612,834	630,543

THE GREAT INDIAN PENINSULA RAILWAY.

48. The progress made in the works under construction on this Company's system has not been so great as was expected. Instead of the estimated length of 122 miles, 42 only have been opened since the 1st January 1864. The execution of the works under contract, has been delayed by various causes. On the North-Eastern line, in the Taptee District, a stoppage was for some time occasioned by the ravages of the cholera. On the same line, in the section between Shohagpore and Jubbulpore, the contractors have not made the progress they should have done, and on the branch to Nagpore unforeseen delays have occurred. A fresh contract has lately been entered into for the execution of 70 additional miles on the South-Eastern line beyond Sholapore. A proposal of the Government to extend the Nagpore line to the great military town of Kamptee, a distance of 12 miles, was rejected by the Board of Directors, who, although a guarantee of 5 per cent. was offered, objected to make it as an integrant part of their present undertaking.

49. While the traffic has increased during the past year, the results have not been so satisfactory as might have been expected, in consequence of the enormous expenses incurred in working and maintaining the line, nearly three-quarters of the gross receipts being absorbed on this account. The receipts were 638,183*l.* in 1864, as compared with 442,213*l.* in the previous year, but the expenditure was 459,962*l.* in 1864, against 298,732*l.* in 1863. The completion of the communication from the Port of Bombay to the Deccan, by the opening of the Ghât Inclines, will, no doubt, do much to improve the revenue, both by augmenting the receipts and by reducing the cost of working the traffic, but a skilful and energetic management and a careful supervision is likewise requisite to realize the profits that may fairly be looked for.

50. A calamitous accident occurred on this railway on the 27th June last, by the washing away of the embankments of a culvert, whereby 15 lives were lost. All the carriages were smashed, and the engine was injured. This accident occurred before daylight, at 4.40 A.M. The last train had gone over the line five hours before. The line near the scene of the accident is level and straight for more than a mile. Two-thirds of the width of the embankment was washed away,

leaving the culvert uninjured. The next day a viaduct, of 12 spans of 30 feet iron girders, was destroyed by a flood, nine spans having been carried away. Some of the works under construction also suffered severely from the floods, which, at the Nerbudda viaduct, rose 70 feet in 24 hours, and damaged some of the piers which were ready for the girders.

51. This Company has lately taken the administration of its affairs in India out of the hands of the Committee of Directors, which had hitherto acted as the agent of the Company, and has appointed Captain Sherard Osborn, R.N., C.B., to that office. The well known energy and ability of this officer will, it is expected, be applied to the benefit of all interests concerned in this great undertaking.

STATEMENT No. I.

STATEMENT showing the Amount of Receipts from Passengers and Goods, and of Working Expenses, during the Years ending 30th June 1861, 1862, 1863, and 1864.

Period.	Mean Number of Miles open.	Receipts.			Working Expenses.			Net Profits.
		Passengers.	Goods.	Total.	Working.	Maintenance.	Total.	
		£	£	£	£	£	£	£
Half-year ending 31st December 1863	—	88,226	119,644	207,870	119,865	27,694	147,559	60,311
Half-year ending 30th June 1864	—	87,790	237,217	325,007	187,488	43,013	230,501	94,506
Year ending 30th June 1864	—	176,016	356,861	532,877	307,353	70,707	378,060	154,817
" " 1863	484	148,689	238,938	387,627	—	—	244,579	143,048
" " 1862	437 $\frac{3}{4}$	123,143	156,115	279,258	128,470	64,220	192,690	86,568
" " 1861	320	105,607	123,182	228,789	135,042	23,369	158,911	69,778

STATEMENT No. II

STATEMENT showing the Proportion of Working Expenses to Gross Receipts, and the Proportion of Receipts from Passengers and Goods.

Period.	Proportion per cent. of Working Expenses to Gross Receipts.	Proportion of Receipts from	
		Passengers.	Goods.
Year ending 30th June 1861	69·5	46·2	53·8
" " 1862	68·7	44·1	55·9
" " 1863	62·9	38·36	61·64
" " 1864	70·9	30·03	67·7

STATEMENT No. III.

STATEMENT showing the Number of Passengers conveyed during the Years ending 30th June, 1861, 1862, 1863, and 1864.

Period.	Number of Miles open.	Number of Passengers.				Total Number of Passengers.
		1st Class.	2d Class.	3d Class.	4th Class.	
Year ending 30th June 1861	320	20,121	183,522	855,126	955,172	2,013,941
" " 1862	416	22,448	147,883	1,996,673	842,958 $\frac{1}{2}$ *	2,509,962
" " 1863	484	26,201	157,434	2,754,416	—	2,938,051
" " 1864	553	36,421	247,610	3,126,243	—	3,510,274

* This Class was discontinued in October 1861.

THE MADRAS RAILWAY.

52. The progress on the works of this railway which are in course of construction has been satisfactory. The opening in August of the important branch to Bangalore, and in October of the section between Tiruputty and Reddypully, on the North-West line, brings the length of line which is now being worked by the Madras Company up to 491 miles. It is expected that a further addition of 41 miles, which will extend the North-West line to Cuddapah, will take place immediately.

53. A steady improvement has continued in the traffic. The gradual and general increase that has taken place is very gratifying, as its development is shown to be due not to exceptional or spasmodic causes; and the increase in the goods traffic has occurred chiefly in articles of consumption, such as salt, rice, coffee, and grain. Another encouraging feature is the diminution in the working expenses from 73 to 58 per cent. of the gross receipts.

54. The following returns furnish the particulars of the traffic, and show that the net receipts from the same length of line increased from 46,308*l.* for the half year ending the 31st December 1863 to 72,691*l.* for the next half year. For the half year ending the 31st December last they had further increased to 83,688*l.*

STATEMENT No. I.

Showing the Amount of Receipts from Passengers, Goods, &c., and of Working Expenses, during the Years ending 30th June 1861, 1862, 1863, and 1864.

Period.	Mean No. of Miles open.	Receipts.			Working Expenses.			Net Receipts.
		Passengers.	Goods, &c.	Total.	Working.	Main-tenance.	Total.	
South-west Line:		£	£	£	£	£	£	£
Half-year ending 31st Dec. 1863	478	52,887	68,201	121,088	40,069	37,948	78,017	43,071
„ „ 30th June 1864	„	53,640	82,126	135,766	45,534	21,236	66,770	68,996
Year ending 30th June 1864	Mean. 478	106,527	150,327	256,854	85,603	59,184	144,787	112,067
„ „ 1863	407	91,381	93,686	185,067	76,575	59,999	136,574	48,493
„ „ 1862	282	60,924	62,851	123,775	57,104	34,491	91,595	32,180
„ „ 1861	221	45,755	37,923	83,678	43,190	19,742	63,932	19,746
North-west Line:								
Year ending 30th June 1863	37	4,912	4,141	9,053	2,980	854	5,922	4,131
„ „ 1864	60	6,977	6,865	13,782	5,293	1,558	6,851	6,931

STATEMENT No. II.

Showing the Proportion of Working Expenses to Gross Receipts, and the Proportion of Receipts from Passengers and Goods.

Period.	Proportion per Cent. of Working Expenses to Gross Receipts.	Proportion of Receipts from	
		Passengers.	Goods.
South-west Line:			
Year ending 30th June 1861	78·0	54·6	45·4
„ „ 1862	74·7	49·2	50·8
„ „ 1863	73·6	49·3	50·7
„ „ 1864	58·3	41·4	58·5

STATEMENT No. III.

Showing the Number of Passengers conveyed during the Years ending 30th June 1861, 1862, 1863, and 1864.

Period.	Number of Miles open.	Number of Passengers.			Total Number of Passengers.
		1st Class.	2d Class.	3d Class.	
South-west Line : Mean.					
Year ending 30th June 1861	221	2,774	10,428	969,287	982,489
" " 1862	282	8,626	47,695	1,025,218	1,081,539
" " 1863	407	9,788	71,966	974,558	1,056,312
" " 1864	407	8,648	80,294	1,093,674	1,182,616
North-west Line : Average.					
Year ending 30th June 1863	37	530	3,050	132,801	136,381
" " 1864	41	352	2,986	172,998	177,336

BOMBAY, BARODA, AND CENTRAL INDIA RAILWAY.

55. This railway is now opened for traffic to Bombay, the line between Bulsar and Grant Road (Bombay) 121 miles in length, having been completed in November last. At present, however, only passenger traffic is carried on this portion. The continuation of the line from Grant Road to Colaba on the opposite side of the city, where it reaches the harbour, is to be conducted over land now in course of being reclaimed from Back Bay. The time for completing these few terminal miles depends upon the operations of the Company which has undertaken the work of reclamation. Under the arrangements made with this Company, the land was to have been ready for the railway by the middle of next year, but I fear that from the progress hitherto made the hope that this will be the case cannot be held out.

56. The effects of the severe floods on the Nerbudda bridge in July 1864 have already been referred to. Several months have been occupied in repairing the damage done on that occasion, and the traffic has accordingly been very much interrupted. As with the first East India Company nearly two centuries ago, so now with this Company, the seat of their agency has been removed from Surat to Bombay.

57. The following traffic returns relate to periods before the accidents above described occurred, and before the line to Bombay was opened. They are to a certain extent satisfactory and are encouraging, but skilful management is requisite to ensure the proper development of the traffic and to obtain all the advantages which the line is calculated to produce. Mr. Lane, who has lately retired from the office of agent to the Company, has been succeeded by Mr. Currey, late of the Great Northern Railway. The experience which this gentleman has acquired on that line will be of great use to him in the administration of the affairs of the Bombay and Baroda Railway, and great hopes are entertained that, under his management, and when the whole line is fairly at work, the results of the traffic will be very satisfactory.

STATEMENT No. I.

Showing the Amount of Receipts from Passengers and Goods, and the Expenses of Working, for the Years ending 30th June 1862, 1863, and 1864.

Period.	Number of Miles.	Receipts.			Expenses.		Net Receipts.
		Passengers.	Goods, &c.	Total.	Working.	Maintenance.	
		£	£	£	£	£	£
Half-year ending December 1863 - - -	185 $\frac{1}{4}$	37,239	25,293	62,532	19,740	8,818	33,974
Half-year ending June 1864	185 $\frac{1}{4}$	45,683	33,564	79,247	*	*	*
Year ending June 1864 -	185 $\frac{1}{2}$	82,922	58,857	141,779			
" " 1863 -	166 $\frac{3}{4}$	63,097	39,821	102,928	32,361	8,236	62,331
" " 1862 -	130	34,342	12,591	46,933	22,327	3,828	20,778

* No Revenue Account having yet been received from India for these half-years, the expenses cannot be given. The receipts are taken from the Weekly Traffic Returns.

STATEMENT No. II.

Showing the Proportion of Working Expenses to Gross Receipts, and the Proportion received from Passengers and Goods.

Period.	Proportion per cent. of Working Expenses to Gross Receipts.	Proportion of Receipts from	
		Passengers.	Goods.
Year ending 30th June 1862 -	50·14	66·40	33·60
" " 1863 -	41·18	59·60	40·40

STATEMENT No. III.

Showing Number of Passenger's conveyed during the Years ending 30th June 1862, 1863, and 1864.

Period.	Average Number of Miles open.	Number of Passengers.			Total Number of Passengers.
		1st Class.	2d Class.	3d Class.	
Year ending 30th June 1862 -	130	2,063	10,980	838,285	851,328
" " 1863 -	168½	2,713	11,785	803,572	818,070
" " 1864 -	185¼	4,149	15,844	931,186	951,179

STATEMENT No. IV.

Showing the Number of Passengers per Mile open and the Number per Mile in each Class.

Period.	Number of Passengers conveyed per Mile.	Number conveyed per Mile.		
		1st Class.	2d Class.	3d Class.
Year ending 30th June 1862 -	6,547	16	84	6,447
" " 1863 -	4,912	16	70	4,816
" " 1864 -	5,134	22	86	5,026

THE SCINDE RAILWAY.

58. The traffic on this railway has been conducted with regularity and safety throughout the year. There has been a small but steady increase in the receipts from passengers, but, owing, it is said, to the uncertain state of mercantile affairs in India, which checked business in Scinde and the Punjab, the goods traffic has diminished during the second half of last year. The survey of the country along the valley of the Indus has been proceeded with, but nothing has yet been determined in regard to the route best adapted for a railway.

STATEMENT No. I.

Showing the Amount of Receipts and Working Expenses for the Years ending 30th June 1862, 1863, and 1864.

Period.	Number of Miles open.	Receipts from Conveyance of		Total Receipts.	Working Expenses.	Net Receipts.
		Passengers.	Merchan- dise, &c.		Working and Maintenance.	
Year ending 30th June 1862, -	114	£ 10,045	£ 30,028	£ 40,073	£ 34,631	£ 5,442
" " 1863 -	114	13,196	76,717	89,913	70,919	18,994
" " 1864 -	114	84,558	84,253	98,811	92,154	6,657

STATEMENT No. II.

Showing the Proportion of Working Expenses to the Gross Receipts, and the Proportion of Receipts from Passengers and Goods.

Period.	Percentage of Working Expenses to Gross Receipts.	Proportion per cent. of Receipts from	
		Passengers.	Goods.
Year ending 30th June 1862 -	86·41	25·06	74·96
„ „ 1863 -	78·86	14·67	85·33
„ „ 1864 -	93·26	14·73	85·26

STATEMENT No. III.

Showing the Number of Passengers conveyed, &c.

Period.	Number of Miles open.	1st Class.	2d Class.	3d Class.	Total Number of Passengers conveyed.
Year ending 30th June 1862 -	114	491	5,140	84,494	90,125
„ „ 1863 -	114	457	7,143	117,489	125,089
„ „ 1864 -	114	—	—	—	—

THE PUNJAB RAILWAY.

59. The whole of this line, 253 miles in length, is finished. The Right Honourable Sir John L. Lawrence, Bart., G.C.B., as Lieutenant Governor of the Punjab, cut the first sod in 1859, and in October last, as Governor General, he formally opened a large section towards Mooltan. Although then in a condition to run engines from end to end, it was not ready for traffic, but on the 24th April last the Government sanctioned the opening of the line to the public. Before leaving the Punjab, the late Lieutenant Governor, Sir Robert Montgomery, expressed, in complimentary terms, his great satisfaction at the manner in which the work had been performed by the Company, and his appreciation of the services rendered by the railway officers, especially by the late lamented agent of the Company, Mr. Stevens, who died at Kurrachee, on his way home, in January last. The traffic on the open line between Lahore and Umritsur has increased, but the progress has been slow.

60. The following table furnishes particulars in regard to the traffic for the years ending 30th June 1863 and 1864:—

Period.	Length open.	Receipts.		Total.	Expenses.	Net Receipts.	Number of Passengers.			
		Passengers.	Miscellaneous.				1st Class.	2d Class.	3d Class and Military.	Total.
Year ending 30th June 1863 - - -	43	£ 12,193	£ 522	£ 12,715	£ 8,343	£ 4,372	2,286	4,007	350,533	356,826
Year ending 30th June 1864 - - -	43	16,484	682	17,166	12,403	4,763	4,573	10,775	410,571	425,919

STATEMENT No. II.

Period.	Percentage of Working Expenses to Gross Receipts.	Proportion per Cent. of Receipts from	
		Passengers.	Goods.
Year ending 30th June 1863 -	65·61	95·89	4·10
" " 1864 -	72·25	96·02	3·97

INDUS STEAM FLOTILLA.

61. The vessels of the flotilla have performed regular bi-monthly voyages between Kotree and Moultan, the communication with Sukkur being kept up by the smaller, and with Moultan by the larger steamers of the flotilla. One boat, purchased from the Government, has been added during the year, and another, with two barges, built in this country for towing vessels through the rapids of the Sukkur Pass, are on their way to the Indus. Two more steamers, with their barges, have lately been sanctioned, and it is hoped that four out of the six contracted for by Messrs. Richardson and Duck, which have hitherto remained useless at Kurrachee, will be made available for service during the present year. These additions have been necessary to provide for the increased traffic expected upon the opening of the Punjab Railway. The earnings have been much larger than in former years, the last year's receipts up to December having been nearly 100,000*l.*, compared with 64,600*l.* of 1863. The following relates to the year ending 30th June 1864 :—

Indus Steam Flotilla.	Receipts.		Total.	Expenses.	Net Receipts.
	Passengers.	Goods.			
	£	£	£	£	£
Year ending 30th June 1864 -	7,577	79,626	87,203	52,550	34,653

THE DELHI RAILWAY.

62. Fair progress has been made on the works on this railway. A contract has been entered into with Messrs. Brassey, Wythes, and Henfrey, for the construction of the whole line, from Umritsir to its junction with the East Indian Railway at Ghazeeabad, for about 15,000*l.* a mile. The contractors are to supply the permanent way, rolling stock, fencing, and all necessary conveniences, to complete the whole within five years, and to maintain it for one year after it has been opened for traffic. Several large bridges occur in the course of the line. They are to be constructed with iron girders. In the execution of the works the contractors will have the advantage, which other lines in the interior have not hitherto possessed, of a direct railway communication from Calcutta on the east, and of railway and steamboat communication from Kurrachee on the west, to facilitate the conveyance of their materials.

EASTERN BENGAL RAILWAY.

63. The traffic on this line has been conducted during the year with regularity and safety, and the general results have been satisfactory. The gross receipts during the half-years ending December 1863, and those ending June and December 1864, have been 42,603*l.*, 45,945*l.*, and 46,733*l.*, and the net profits 20,470*l.*, 20,550*l.*, and 21,652*l.* It should, at the same time, be borne in mind that for the last year

the entire maintenance, which was previously a charge against capital, has been borne by revenue. Since the beginning of this year arrangements have been made with a Steamboat Company for receiving on the Railway at Kooshtee the cargoes of the steamers, and a still greater improvement in the traffic has been the consequence.

64. A proposal has been made to extend the line from its present terminus to a place called Goalundo, at the confluence of the Ganges and Barampooter. The matter is now under consideration. The object is to intercept the traffic from the countries on the north-east. The length would be about 45 miles, and the cost upwards of 500,000*l*.

65. The damage done to the property of this Company by the cyclone amounted to about 12,600*l*.

STATEMENT No. I.

Showing the Amount of Receipts from Passengers, Goods, &c., and of Expenses during the Years ending 30th June 1863 and 1864. The whole (110 miles) open.

Period.	Receipts from				Expenses.			Net Receipts.
	Pas-sengers.	Goods.	Mis-cellaneous.	Total.	Working.	Main-tenance.	Total.	
	£	£	£	£	£	£	£	£
Half-year ending 30th June 1863 - -	24,041	8,802	905	33,748	17,885	—	17,885	15,863
Ditto, 31st Dec. 1863 -	26,887	13,758	1,958	42,603	19,819	2,309	22,128	20,475
Ditto, 30th June 1864 -	35,464	10,404	77	45,945	20,355	5,040	25,395	20,550
Total for year ending June 1864 - -	62,351	24,162	2,035	88,548	40,274	7,349	47,623	41,025

STATEMENT No. II.

Showing Proportion of Expenses to Receipts, and of Receipts from Passengers and Goods.

Period.		Percentage of Working Expenses to Gross Receipts.	Proportion per Cent. of Receipts from		
			Passengers.	Goods.	Miscellaneous.
Year ending 30th June 1863	-	48·38	71·24	26·08	2·68
„ „ 1864	-	53·80	70·41	27·28	2·2

STATEMENT No. III.

Showing the Number of Passengers conveyed.

Period.	Miles open.	Number of Passengers conveyed.				
		1st Class.	2d Class.	3d Class.	4th Class.	Total.
Year ending 30th June 1863	110	20,761	20,786	499,758	—	541,305
„ „ 1864	110	40,461	51,653½	987,481	44,615	1,124,570½

CALCUTTA AND SOUTH-EASTERN RAILWAY.

66. Hitherto labouring under great disadvantages, and exposed to unforeseen difficulties, this undertaking has now reached a period in its existence when the expectations of those who promoted and sanctioned it appear likely to be realized. Constructed with the view of connecting Calcutta with a new and auxiliary port at the Mutlah, none of the requisite conveniences and accommodations for a port

were provided, and the feeling was strongly entertained by some that the work was uncalled for, by others that it was visionary. This state of things has, however, recently been changed, and all doubts have been removed, by the formation of a Company, which has undertaken to build jetties and wharves, and to provide all that is necessary to make Canning-Town a convenient trading port. The Government has also consented that the steamers which carry the mails, &c., between Calcutta and the Straits Settlements, Chittagong, and Akyab, shall start from the Mutlah instead of the Hooghly. An impetus has thus been given to the Railway, and encouraging hopes held out of its success.

STATEMENT showing the Receipts from Passengers and Goods, and the Number of Passengers carried during the Half-year ending 30th January 1862, and the Years ending 30th June 1863 and 30th June 1864.

Period.	Receipts from		Total Receipts.	Working Expenses.	De-ficiency.	Number of Passengers carried.			Total Number of Passengers.
	Passengers.	Goods.				1st Class.	2d Class.	3d Class.	
	£	£	£	£	£				
Half-year ending 30th June 1862 - - -	1,274	271	1,545	1,739	194	687	2,513	82,590	85,790
Year ending 30th June 1863 - - -	2,585	259	2,844	3,418	574	1,539	5,964	168,478	175,981
								4th Class.	Garden and Produce Train.
Year ending 30th June 1864 - - -	4,630	1,915	6,559	8,380	1,821	2,648	13,514	237,670	48,845
									302,677

The deficiency has, with the approval of Government, been added to the amount due to the Government for advances on account of guaranteed interest, and will be repaid in the same way out of the excess profits over 5 per cent.

GREAT SOUTHERN.

67. Fair progress has been made in the works on the extension of this line to Errode, where it will join the Madras Railway. It is expected to be completed next year.

68. The results of the traffic on the open line cannot be regarded as satisfactory. The receipts have been less than the previous year, and the expenses greater. The falling off in the traffic is accounted for by the state of the trade in salt and other products during the year. The indifferent access to the stations, also, still hinders its general development, and prevents it from being drawn from its old channels.

TABLE I.

Showing the Amount of Receipts from Passengers and Goods, and of the Working Expenses, &c.

Period.	Miles open.	Receipts from			Expenses of Working and Maintenance.	Net Receipts.	Proportion per Cent. of Expenses to Receipts.
		Passengers.	Goods, &c.	Total.			
		£	£	£	£	£	
Year ending 30th June 1863 - - -	79	15,530	10,917	26,447	12,251	14,196	46·32
Ditto, 30th June 1864 -	79	16,158	11,182	27,340	13,623	13,717	49·82

TABLE II.

Statement showing the Number of Passengers conveyed.

Period.	Number of Miles open.	Number of Passengers.			
		1st Class.	2d Class.	3d Class.	Total.
Half-year ending 30th June 1863 -	79	1,493	9,800	317,272	328,565
" " 1864 -	79	1,356	3,968	293,921	299,245

SUMMARY.

69. To sum up : the present system of guaranteed railways comprises a length of 4,917 miles, of which 3,186 are now open for traffic. It is estimated that when this system is completed with a single line it will have cost about 77,500,000*l*. Of this sum, about 57,600,000*l*. had been raised, and 55,000,000*l*. had been expended, on the 1st May 1865.

70. The materials which have already been sent out from this country to aid in the construction of the railways amount to 2,900,000 tons, and 16,500,000*l*. has been expended upon them.

71. The proprietors of Indian Railway securities now number 36,500, of whom 3,175 have been added during the past year.

72. The amount received from passengers, in the year ending the 30th June 1863, was 682,343*l*. In the year ending 30th June 1864, it was 981,948*l*.

73. The amount received for the conveyance of goods in 1862-63 was 948,324*l*., and in 1863-64, 1,406,963*l*.

74. The net profits in the year 1862-63 amounted to 690,834*l*., and in 1863-64 to 947,320*l*.

75. The number of passengers conveyed last year were 11,781,683, compared with 9,242,540 in 1862-63. Of those who travelled last year, 1·12 in every 100 used the first class, 4·78 used the second class, and more than 94 per cent. were third-class travellers.

76. It should be borne in mind that the results here given are obtained from lines either not yet, or only just, completed. The traffic on the main lines will, from all accounts, be enormous. If this traffic be properly conducted, and if economy prevail in the various departments connected with the working and maintenance of the lines, the results will be very satisfactory. But whether, as commercial undertakings, their success is great or moderate, no country in the world will, either directly or indirectly, derive greater advantages from railways than India.

I have the honour to be,

Sir,

Your most obedient Servant,

JULAND DANVERS.

APPENDIX.

No. 1.

24, Brook Street,
25th April 1865.

DEAR SIR,

In reply to your inquiry regarding the physical condition of candidates for appointments on the railways in India, and the health of those who are sent out, I beg to offer the following observations.

Of those presenting themselves for examination, during the last twelve months, one in five have been rejected. As the arduous duties which most of these persons have been fulfilling, up to the date of examination, may themselves be almost regarded as tantamount to a certain selection, and as the large proportion of such persons already employed on English railways have, in many instances, passed a special medical examination on being engaged for these railways, this percentage of rejections must be regarded as a large one.

In some instances, the special requirements of an Indian climate, as to prospective health, have been the cause of rejection. But in the majority of cases, rejection has been necessary from organic lesions, or obvious tendencies to disease, such as would disqualify the subjects of them for acceptance as "first-class lives" by any London Life Office adopting the usual method of inquiry through a qualified physician.

In many instances, such lesions or tendencies have been associated with a certain degree of what may be termed premature decay, the constitution and organs resembling those of a person older than the age already attained. This condition, which is of course a disqualification for many arduous mechanical callings in India, and which especially lowers the resisting force required successfully to oppose the influence of change of climate, is not uncommon among those whose labour through life has hitherto been unusually fatiguing:—for example, among workers in metal, and especially among those habitually engaged in piece-work.

It is, perhaps, an illustration of this statement to notice, that while the average age of the persons examined is 30, the average age of those rejected is from 33 to 35 years.

It need hardly be said that the age of those sent out must exercise its ordinary influence on the rate of mortality. But inasmuch as, in many instances, the posts to be filled require long experience and high character, it is evident that the officers of the Railway Companies must always be, as a body, liable, on this ground, to a larger mortality than recruits and junior officers despatched to India for military service.

The special duties of many of the railway officers presumably repeat this unfavourable contrast, by implying exposure and fatigue exceeding those incurred by the Queen's troops not on active service. The surveying and construction of railroads must, I should judge, in many instances, necessarily place those engaged on such duties in places (such as the neighbourhood of variable rivers and low alluvial plains) peculiarly the haunts of malaria, productive of fevers and agues. If, as I believe is the case, the surveying engineers of some of the railways have suffered much from such ailments, the cause may at least be partially found in the above circumstances. Certainly, in all my Life-office experience, I have never examined any body of gentlemen at all approaching these in respect of the vigour and health they have collectively shown under examination before proceeding to India.

There are various topics bearing on the health of the artisans sent out, which I cannot profitably enter on at present. The influence of alcoholic intemperance; the occurrence, in some instances, of a kind of nostalgia or home-sickness; the careless habits of life many seem to fall into, are illustrations of what I allude to. If it were possible (which I am afraid it is not), some of these and other detrimental circumstances might be diminished by these men taking out their wives with them, and by the habitual substitution of the voyage round the Cape for the overland journey, in which the change of climate is comparatively sudden, and in which men of this class, accustomed to arduous exertion and moderate food, are placed in enforced idleness, and on what I presume are almost unlimited rations of food, if not of drink, just at the time when this change is being rapidly undergone by them. From such causes it has occasionally happened, that men leaving England in perfect health have arrived in India temporarily, or even permanently, unfit for the duties they had discharged with the utmost efficiency up to the date of their medical examination here.

I have, &c.,
WILLIAM BRINTON, M.D., F.R.S.

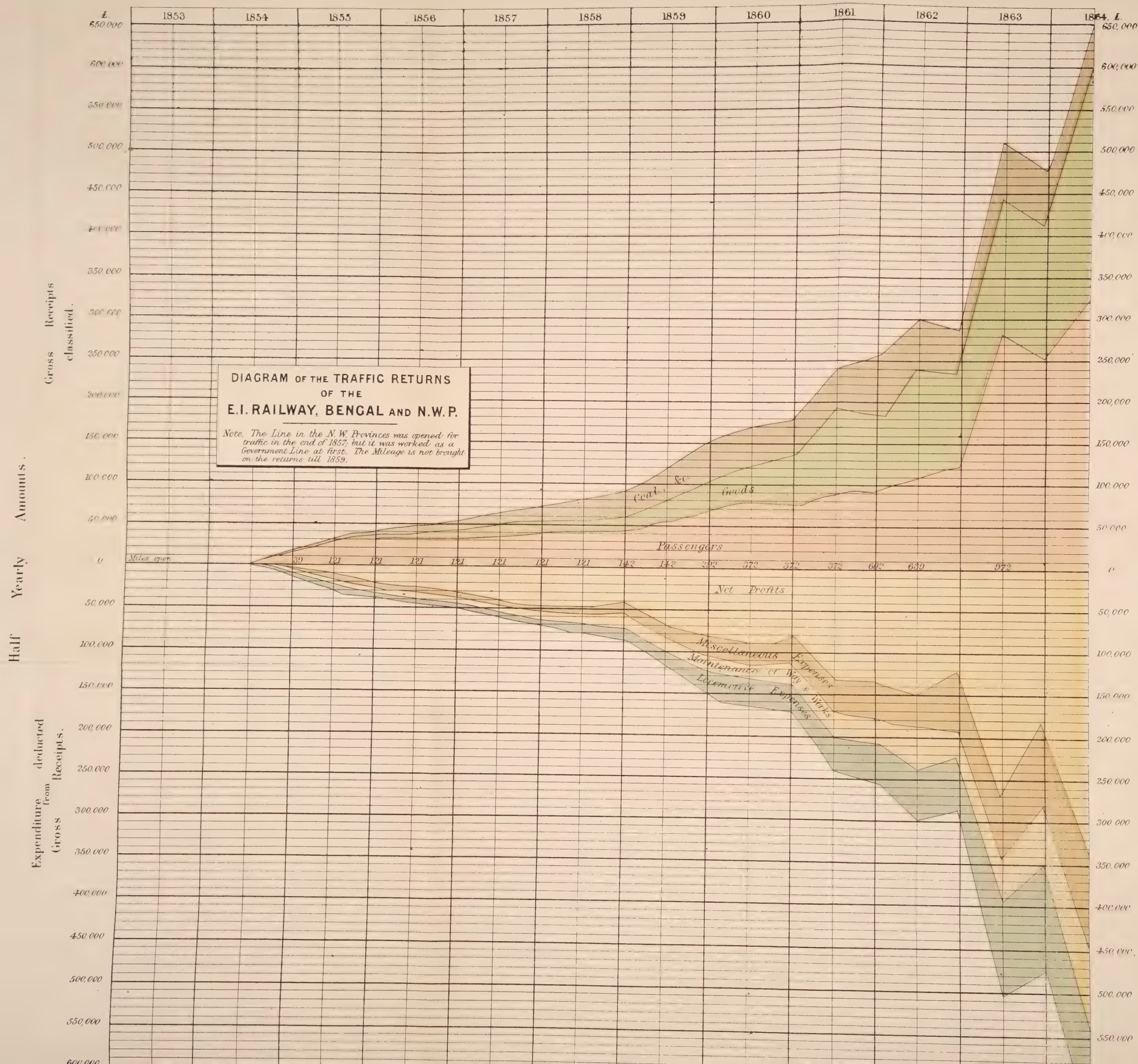
Juland Danvers, Esq.
&c. &c.

No. 2.

CLAUSE XI. of the East Indian Railway Company's Act of 1864, empowering the Company to establish Provident Institutions and Savings Banks for Servants of the Company.

11. And whereas the Company have in their service numerous officers, servants, and workmen, who are principally resident at stations on the lines of railway of the Company in the East Indies, where there are no Savings Banks, and such officers, servants, and workmen are debarred the benefit of such and other public institutions established for the investment and accumulation of small savings, and the Company are desirous of encouraging habits of prudence and economy amongst their officers, servants, and workmen, and with that view are desirous of establishing Provident Institutions and Savings Banks for the benefit of such officers, servants, and workmen, and it is expedient and will be advantageous that such Provident Institutions and Savings Banks, and the establishment and maintenance thereof, and the rules and regulations for the conduct and government thereof, should be sanctioned by and receive the authority of Parliament: Therefore it shall be lawful for the Company to establish Provident Institutions and Savings Banks at Calcutta, and any other place or places where the Company may have stations or other establishments, with power to receive by way of deposit from any of the officers, servants, workmen, or apprentices of the said Company, or any members of their families, any sum or sums of money at interest; and it is hereby enacted that all and every such deposit, with the interest due thereon, shall be a charge upon the tolls, undertaking, lands, and tenements of the Company next in order and priority after any monies they may at any time be authorized to borrow, and after any present or future debentures of the Company; and it shall be lawful for the Company to make rules and regulations for the conduct, government, and management of such Provident Institutions and Savings Banks, and as to the liability and discharge of trustees, the rate of interest, withdrawal, and payment of deposits, payments to minors, married women, lunatics, and personal representatives of a deceased depositor, and otherwise in relation to such Provident Institutions and Savings Banks, and from time to time to alter, vary, modify, remake, or rescind such rules or regulations, or any of them, and to make others in lieu thereof: Provided, that all such rules and regulations, and alterations of rules and regulations, shall be submitted to the Governor General for the time being of India, and approved of by him, and a certificate of such approval under his hand, or the hand of his secretary, given previous to the same being acted upon; and such rules and regulations, and alterations of rules and regulations, so certified, shall be binding on the said Company, and the depositors and their representatives, and the same or a true copy thereof, and which copy may be certified under the hand of the said Governor or his Secretary, or of the Secretary for the time being of the said Provident Institution or Savings Bank, shall be received as evidence of such rules respectively in all cases.

LONDON :
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.



650,000

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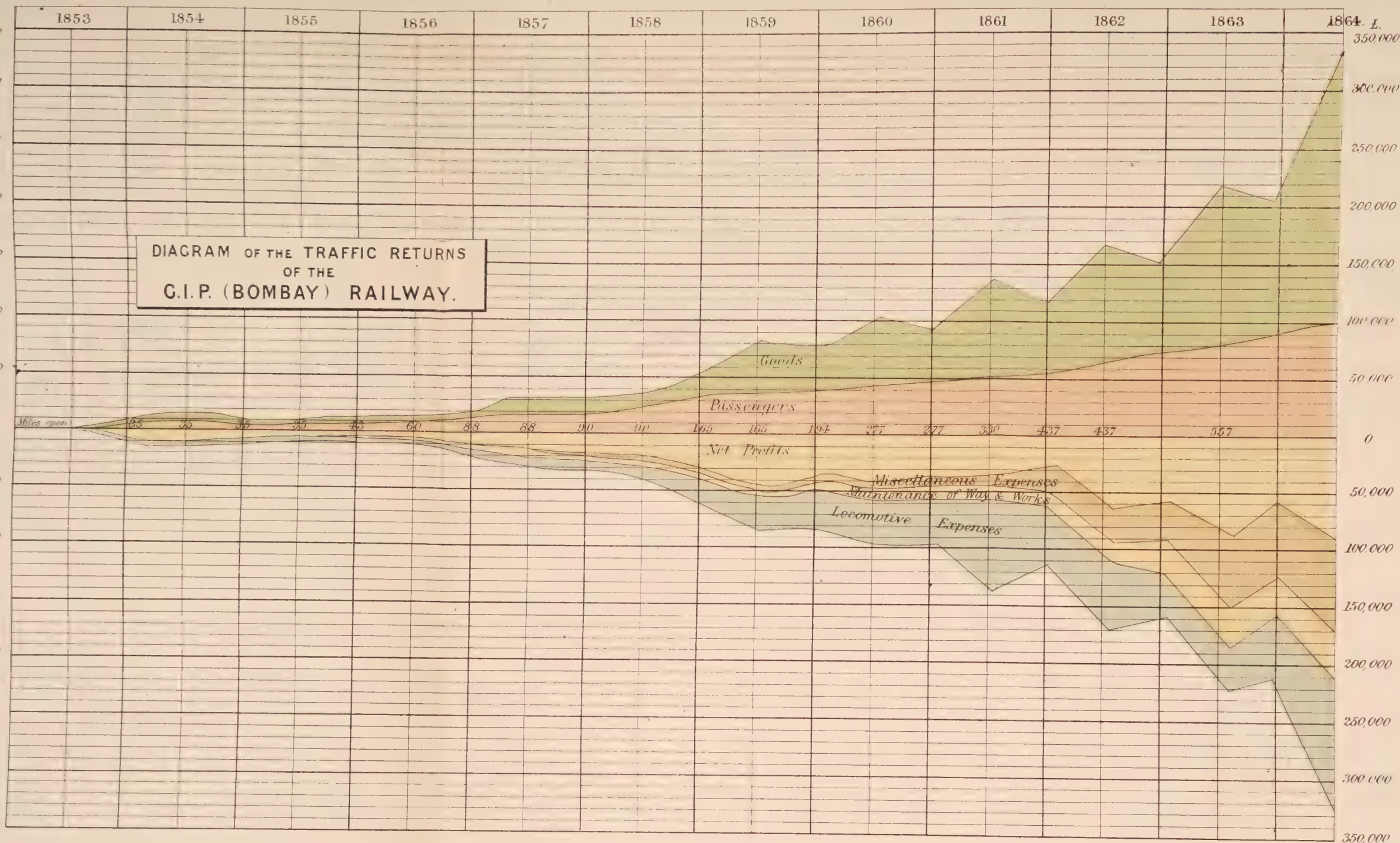
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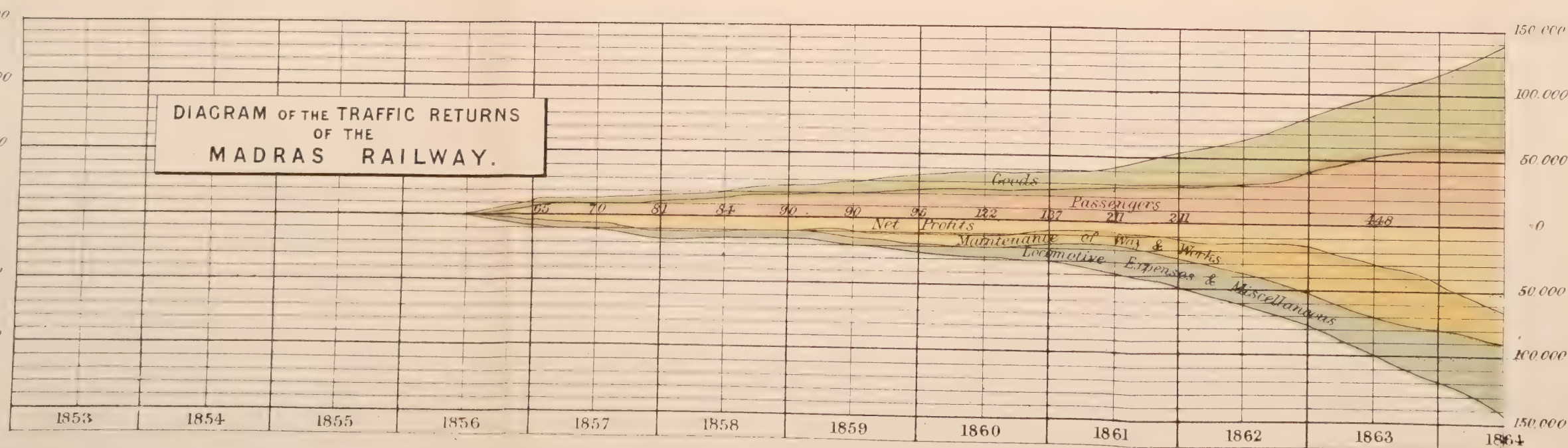
650,000

Prepared by Col! W.E. Baker, R.E.

Half Yearly Amounts.

Gross Receipts classified.
Expenditure deducted from Gross Receipts.£. 350,000
300,000
250,000
200,000
150,000
100,000
50,000
0
50,000
100,000
150,000
200,000
250,000
300,000
350,000

Half Yearly Amounts.

Gross Receipts classified.
Expenditure deducted from Gross Receipts.150,000
100,000
50,000
0
50,000
100,000
150,000

Prepared by Col! W.E. Baker R.E.

Day & Son, Limited, Lith.

SOUTH EASTERN OF BENGAL OR MUTLAH
RAILWAY COMPANY, &c.

RETURN to an Address of the Honourable The House of Commons,
dated 30 March 1865;—*for*,

“RETURNS of INTEREST paid on the GUARANTEED CAPITAL of the SOUTH EASTERN of BENGAL or MUTLAH RAILWAY COMPANY, and of the Amount of TRAFFIC and WORKING EXPENSES for each Half Year since the Line was opened :”

“And, of the ORDERS of the Bengal Government constituting Municipal Commissioners at Port *Canning* or *Cannington*, and also of all COMMUNICATIONS which have passed between them and the Government of *India*, and between Parties in *England* and the Secretary of State for *India*, relative to the Development of that Port.”

India Office, }
7 April 1865. }

E. P. A. THOMPSON,
Assistant Secretary, Public Works Department.

(*Mr. Henry Seymour.*)

Ordered, by The House of Commons, to be Printed,
7 April 1865.

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— I. —

RETURNS of INTEREST paid on the GUARANTEED CAPITAL of the SOUTH EASTERN of BENGAL or MUTLAH RAILWAY COMPANY, and of the Amount of TRAFFIC and WORKING EXPENSES for each Half Year since the Line was opened.

— No. 1. —

STATEMENT of INTEREST paid on the GUARANTEED CAPITAL of the Calcutta and South Eastern Railway Company.

					In England.			In India.		
					£.	s.	d.	£.	s.	d.
For Half-year to 30 June 1859	-	-	-	-	2,846	13	3	45	15	2
" 31 Dec. "	-	-	-	-	2,974	-	11	76	-	11
" 30 June 1860	-	-	-	-	3,722	2	9	90	7	5
" 31 Dec. "	-	-	-	-	5,000	7	9	158	1	11
" 30 June 1861	-	-	-	-	5,739	8	9	437	4	3
" 31 Dec. "	-	-	-	-	5,755	5	-	481	9	4
" 30 June 1862	-	-	-	-	5,756	18	5	639	8	1
" 31 Dec. "	-	-	-	-	6,590	19	3	639	3	5
" 30 June 1863	-	-	-	-	7,259	8	8	639	15	1
" 31 Dec. "	-	-	-	-	7,110	5	-	639	15	1
" 30 June 1864	-	-	-	-	7,259	8	8	302	5	2
" 31 Dec. "	-	-	-	-	7,639	8	8	202	5	2

INTEREST has also been paid in England on Money raised by the issue of Debentures, viz. :—

For Half-year to 30 June 1861	-	-	-	-	53	10	4
" 31 Dec. "	-	-	-	-	734	2	3
" 30 June 1862	-	-	-	-	2,166	16	3
" 31 Dec. "	-	-	-	-	2,250	-	-
" 30 June 1863	-	-	-	-	2,250	-	-
" 31 Dec. "	-	-	-	-	2,250	-	-
" 30 June 1864	-	-	-	-	2,250	-	-
" 31 Dec. "	-	-	-	-	1,870	-	-

India Office, }
7 April 1865. }

signed) George Friend,
Accountant General.

— No. 2. —

THE CALCUTTA AND SOUTH EASTERN RAILWAY COMPANY (LIMITED).

STATEMENT OF RECEIPTS AND EXPENDITURE ON REVENUE ACCOUNT for the Half-year ending 30 June 1862. Open 15 Miles from Calcutta to Chappahattie,
2 January 1862.

Dr.

Cr.

EXPENDITURE.				RECEIPTS.			
	£.	s.	d.	By Coaching Accounts:	£.	s.	d.
To Locomotive Department:				1st class passengers	58	8	8
Superintendence and office establishment	55	15	2	2d class passengers	98	15	3
Engineers and firemen's wages	210	1	1	3d class passengers	1,097	3	1
Wages of labourers and cleaners, &c.	57	18	3		1,254	7	—
Coal, coke, and firewood	248	4	1	Excess fares	9	3	6
Oil, tallow, waste, &c.	54	12	3	Parcels and luggage	8	7	—
Repairs of engines and tenders	21	12	1	Carriages, horses, and dogs	1	17	2
							1,273 14 8
To Traffic Department:							
Superintendence and office establishment	162	4	10	By Merchandise and cattle	—	—	20 17 3
Salaries of station masters, clerks and guards	179	17	8	By Minerals	—	—	234 17 2
Wages of porters, bearers, and greasers	18	1	5	By Sundries	—	—	15 9 2
Wages of jemadars, pointsmen, &c.	117	5	3	By Balance	—	—	194 5 11
Clothing	20	4	9				
Grease, waste, &c.	4	17	1				
Oil for lighting stations and signals	23	4	5				
Cost of tickets, and ticket printing	82	19	5				
Travelling expenses	16	16	11				
Repairs of carriages and waggons	82	6	6				
General Charges:							
Proportion of agent's establishment	110	13	5				
Advertising, printing, and stationery	192	19	7				
Electric telegraph expenses	62	15	7				
Stores	14	17	4				
Medical expenses	1	12	1				
Miscellaneous expenses	—	5	—				
TOTAL	1,739	4	2	TOTAL	1,739	4	2

Howard H. Ashworth, Secretary.

STATEMENT of RECEIPTS and EXPENDITURE on REVENUE ACCOUNT for the Half-year ending 31 December 1862. Open 15 Miles from Calcutta to Chappahattie.

Dr.

Cr.

[illegible]

Howard H. Ashworth, Secretary.

— No. 5. —

[illegible]

We have compared the above Statement with that received by the Company from their Agent and Accountant in India, and find that they correspond.

William Goodchap, } Auditors.
Cuthbert W. Johnson, }

— II. —

COPY of ORDERS of the Bengal Government constituting Municipal Commissioners at Port Canning or Cannington.

NOTIFICATION dated 23 June 1862.

WHEREAS application was made to the Government for putting Act No. 26 of 1850 in force in the town of Canning on the Mutlah, and whereas the said application appears to be wholly in accordance with the wishes of the inhabitants, it is hereby finally ordered that the said Act shall hereafter be in force in the said town for the purpose of making better provision for constructing, repairing, cleaning, and lighting the public streets, roads, and drains for the prevention of nuisances, and for the improvement of the said town and station generally.

2. The following gentlemen are appointed to be Commissioners for putting the Act in force, and are authorised to prepare rules for more effectually accomplishing the purposes for which they are appointed:—

The Magistrate of the 24-Pergunnahs,
Mr. H. Leonard,
Mr. C. P. Casperz,
Mr. E. D. Kilburn,
Mr. F. Schiller,
Baboo Ramgopaul Ghose.

— III. —

COPIES of CORRESPONDENCE between the Municipal Commissioners of Port Canning and the Government in India.

— No. 1. —

From *C. P. Casperz*, Esq., Honorary Secretary to the Municipal Commissioners, Canning Town, to the Secretary to the Government of Bengal (No. 1); dated 12 July 1862.

I AM desired by the Municipal Commissioners of Canning Town to solicit the favour of your informing them whether the revenues realised from the entire Lot 54, and the reserved portion of Lot 50, on the Mutlah, are to be placed at their disposal; and also whether it is the intention of Government that the direction of the public works in those lots is to be centred in this Commission. If such is the intention, I am desired to request you will furnish me with a copy of the estimates of public works sanctioned for 1862-63, in Lots 54 and 50.

— No. 2. —

From *J. Geoghegan*, Esq., Under Secretary to the Government of Bengal, to the Honorary Secretary to the Municipal Commissioners for the Town of Canning, on the Mutlah (No. 3065); dated 23 December 1862.

In reply to your letters, Nos. 1 and 3,* dated respectively the 12th July last and 19th ultimo, I am directed to forward herewith a copy of the communications

* No. 3 asked for a reply to No. 1.

tions noted in the margin, and to inform you that the necessary orders have been issued for transferring all the public works now in hand in connection with the town of Canning, to the direction of the Municipality, from the 1st January 1863, except the works Nos. 1 and 2 in the enclosed list, which will continue for the present under the Public Works Department.

2. A further communication will be made to you in due course regarding the funds to be made over to the Commissioners for carrying out the above works.

Enclosures in No. 2.

MEMORANDUM from *F. R. Boyce*, Esq., Assistant Secretary to the Government of Bengal, in the Public Works Department (No. 5039); dated 30 October 1862.

No. 2070 of
10 October 1862.
No. 2206 of
20 October 1862.

THE undersigned has the honour to forward to the Officiating Secretary to the Government of Bengal the accompanying list of works in progress at Mutlah, called for in his Memoranda noted in the margin.

1. Portion of the
Trunk Road to
Calcutta.
2. Court House.

2. The works Nos. 1 and 2 in the list might fitly be left to the Public Works Department to carry out; the remainder are strictly of a municipal character.

(signed) *F. R. Boyce*,
Assistant Secretary to the Government of Bengal,
in the Public Works Department.

LIST of WORKS in Progress at Mutlah.

WORKS.	Amount Sanctioned.	Probable Expenditure up to Date.	REMARKS.
	<i>Rs.</i>	<i>Rs.</i>	
1. Constructing road through Lot 54 -	34,004	20,985	Portion of trunk road to Calcutta.
2. Constructing Deputy Magistrate's cutcherry, and digging a tank at Mutlah.	22,630	965	Imperial work.
3. Excavating tanks, Nos. 4 and 7, at ditto.	16,000	6,955	Water supply.
4. Drainage at Mutlah - - -	10,000	7,199	Drainage work.
5. Widening and sanding roads of Mutlah town.	27,800	307	Maintenance of town roads.
6. Construction of three spurs at Mutlah river.	1,967	931	Maintenance of river bank.

OFFICE MEMORANDUM from Lieutenant Colonel *J. P. Beadle*, R.E., Officiating Secretary to the Government of Bengal, in the Public Works Department (No. 5754); dated 4 December 1862.

THE undersigned, with reference to Memorandum in the General Department, No. 2390, dated 6th November, which he has to apologise for having left so long unanswered, begs to state that he thinks the works in connection with the city, which are to be handed over to the Mutlah Municipal Commissioners, should be transferred, together with all materials specially collected for them, on the 1st January 1863, to be carried out to completion without any further aid from the Public Works Department.

The balance of the Mutlah funds that may remain on the 1st January, after the account shall have been adjusted by the Accountant to the Government of Bengal, should be made over to the Municipal Commissioners, without any further restrictions than are imposed

posed by Act No. 26 of 1850, to be applied to the improvement of the town roads, drains, tanks, &c., and to the strand bank within the limits of the town, excepting only the main road to Calcutta, which should be maintained and repaired by the Public Works Department until the Municipal Commissioners are prepared to accept the charge of that portion of it which lies within the city.

— No. 3. —

From *E. H. Lushington*, Esq., Secretary to the Government of Bengal, to the Honorary Secretary to the Municipal Commissioners for the Town of Canning, on the Mutlah (No. 248); dated 16 January 1863.

IN continuation of the letter from this office, No. 3065, dated the 23d ultimo, I am directed to forward, for the information of the Municipality, a copy of the correspondence noted on the margin, relative to the lands in lot 54 in the Soonderbuns, held adversely to Government on leases given by the grantee prior to the purchase of the lot by Government.

To Secretary to the Board of Revenue, No. 1947, dated 2 September 1862.
From Secretary to the Board of Revenue, No. 406, dated 18 December 1862, with enclosures.

2. I am desired to state that the Lieutenant Governor has this day appointed Mr. W. H. Schalch, Commissioner of the Nuddea Division, to be a Member of the Board of Commissioners, under Act 27 of 1850, in the town of Canning, on the Mutlah.

3. I am also instructed to intimate that the Government makes over to the Commissioners, in trust for the town of Canning, the whole of its proprietary right in lots No. 54 and No. 50, subject to its control as to the manner in which the lands shall be disposed of for the benefit of the town and port, and as to the manner in which the rents derived therefrom, and the sale proceeds of leases, as well as the funds derived from any other source of municipal revenue, shall be expended, distinctly reserving to itself the right to take any of the land that may now or hereafter be required for imperial or other public purposes, such, for instance, as the making of roads or tanks, the enlargement of the railway premises, the construction of wharves, quays, or jetties, and the building of public offices or works of defence, without giving any compensation to the Commissioners, or having to purchase any rights but such as are held adversely to them. It is to be understood, however, that for the present the land will remain subject to the payment of the revenue assessable thereon under the terms of the original grant.

4. I am to draw your attention to the notification of the 23d June last, and to request that you will move the Commissioners to expedite the submission of the draft of rules therein alluded to, for the approval of the Lieutenant Governor.

Enclosures in No. 3.

From the Honourable *A. Eden*, Officiating Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 1947); dated 22 September 1862.

THE Lieutenant Governor desires me to request that the Board, after making the requisite inquiries, will favour him with their opinion as to whether the lands in lot 54 in the Sunderbuns, held adversely to the Government on leases given by the grantee before the lot was purchased by Government, are held permanently, or only for the period of the original grant. It seems to the Lieutenant Governor that the latter is the case; that the grantee could have no power to alienate any part of the lot, or of the rent thereof, for a longer period than the term of his own lease; and that, at the end of that term, the Government, standing in the place of the grantee, will enter on the lands so leased, and all rights of the subordinate holders will cease.

2. If the Board be of opinion that the rights of leaseholders do not extend beyond the period of the original grant of lot 54, due notice will be given to the holders that, at the expiry of the term, they will be ejected.

From *J. P. Grant*, Esq., for Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 406); dated 18 December 1862.

I AM directed by the Board of Revenue to acknowledge the receipt of your letter, No. 1947, dated the 22d September last, relative to the leases of lands in lot 54, given by the grantee, prior to the purchase of the lot by Government, and in reply to forward a copy of a letter from the Commissioner of Nuddea, No. 523, dated 28th November, with enclosures.*

* The map and vernacular enclosures are forwarded in original.

2. The history of the lot is this:—It was granted on the 2d August 1830, under the rules then in force, which were approved by Government under date the 26th March, to Mr. Urquhart, who sold it to Mr. Mackenzie. This person dying in 1843, the Administrator General, who administered to his estate, after obtaining an extension for 10 years of the rent-free term, sold the lot in 1847 to Sumbhoo Chunder Bannerjee, who re-sold it to Radamadhub Mookerjee, the last grantee.

3. The following leases granted by Radamadhub Mookerjee have come to the knowledge of the local officers:—

Number of Block on Map.	Name of Lessee.	Nature of Lease.	Date of Lease.	Area Leased.	REMARKS.
1 and 2	Shib Narain Bose	Junglebooree Is-lemraree.	14th Chyte 1255, B.S.	About 2,000 beegahs within specified boundaries.	Rent-free term seven years, and a progressive increase of four years, at 10 annas a beegah; validity of tenure upheld by civil courts.
3 and 4	Nubokoomar Bundopadhya and Madhub Chunder Pal.	Junglebooree Mowrosee Chuckdaree.	25th Chyte 1258, B.S.	About 2,011 beegahs within specified boundaries.	Rent-free term five years, increase of three years, at eight annas per beegah, subject to enhancement of two annas per beegah, on whatever rate a settlement might afterwards be effected by Government with the grantee.
5	Mohima Chunder Mookerjee.	- ditto - ditto -	- ditto - ditto -	About 1,500 beegahs within specified boundaries.	- ditto - - ditto.
6	Nubokoomar Bundopadhya.	Mowrosee Kaimee Thikadaree.	12th Assar 1258, B.S.	265 beegahs, 1 cottah, 12 chittacks.	Rent of Rs. 165. 10. 17½. At the settlement of 1854 this Thikadar signed a dowl for the land found to be in his possession, at 10 annas a beegah, or a jumma of Rs. 154. 3. 11.

4. In addition to the above, the Soonderbuns Commissioner has met with a Kuboolent from Ramgopal Mitter to Radhamadhub Mookerjee, dated 4th Bysack 1257, B.S., for a Junglebooree Mowrosee Chuckdaree tenure of about 2,000 beegahs within specified boundaries; the rent-free term is six years, with "three years' progressive increase, at eight annas per beegah, subject to an enhancement of two annas per beegah on whatever rate a settlement might hereafter be effected with the grantee by Government." This Kuboolent was filed on 13th September 1853, but it is not mentioned in Baboo Oomakant Sein's Settlement Report; and Mr. Casperz states that the party has not appeared to advance any claim to the land, which is situated within the boundaries of Canning Town.

5. It is clear from the terms of the Pottah, quoted in the margin,† and the Rules of 1830, that a permanent tenure was intended to be conveyed; and the Board agree with the local authorities that no interference with the leases can now take place, except that in Block 6, the holder of which, by accepting an abatement, may be held to have abandoned his claim under the lease.

6. Baboo Oomakant Sein, the former Commissioner in the Soonderbuns, it appears, reported in August 1854, with reference to the three Chucks, 3, 4, and 5, that he had made settlements with the parties in possession, on condition of giving up the whole or any portion of the lands, whenever they might be required for public purposes, but no written engagement had been found up to the date of the last communication from the Commissioner.

† FORM OF POTTAH.

Under the orders of Government, dated _____, a Junglebooree Pottah is hereby granted to _____ for himself, his heirs, executors and assigns, for that portion of waste land in the Soonderbuns, estimated to contain _____, and bounded as follows:—

North
East
West
South } N.B.—Boundaries to be defined with the utmost practicable precision.

The terms of this grant are:

(First, *vide* 1, 2, 3, 4, and 5 clauses of advertisement in No. 44, of 2d March 1830.)

— No. 4. —

From *V. H. Schalch*, Esq., President of the Commission appointed under Act XXVI. of 1850, for the Town of Canning, to the Secretary to the Government of Bengal (No. 17); dated 2 February 1863.

I HAVE the honour, on the part of the Commissioners appointed under Act XXVI. of 1850, to forward, for the approval of his Honor the Lieutenant Governor, Rules for giving effect to that Act (XXVI. of 1850) within the town of Canning on the Mutlah.

2. It will be observed, that no provision has been made in these rules for the imposition of any tax, either upon persons or property, within the town. This subject, however, was seriously considered by the Commission.

3. The Commissioners are aware that while they may rely on the sale of the building lots within the town remaining still undisposed of, for the raising of a capital fund from whence to defray the cost of important works, they must look hereafter to taxation for funds sufficient to meet the annual expenses connected with establishments, conservancy and police, and current repairs. For these purposes the rent of the purchased lots will not suffice.

4. The Commissioners therefore took into consideration the expediency of imposing the following taxes: A tax on the rent of town lots, a wharfage tax, a tax on imports and exports, and a wheel tax; but after much discussion it was generally decided that, in the absence of all residents within the town, of all houses, and of all trade, the imposition of any of these taxes would exercise a most injurious effect, while yielding no appreciable return, and would tend to alarm and drive away those whose attention was being given to the great benefits which will undoubtedly be gained by the adoption of the Mutlah as a port.

5. One other tax, a per-centage on transfers of lots, appeared to the Commissioners less open to objection, but they doubt the legality of such a tax, and in any case would defer its imposition for the present.

6. In other respects the rules now submitted follow generally those approved for other municipalities established under (Act XXVI.) of 1850, with the exception of two important additions, the adoption of which the peculiar situation of the town of Canning renders imperative, viz., the prohibition to make any excavation within the town without the sanction of the Commissioners, and the construction of the lower floor of all houses above a certain datum.

7. The Commissioners have, in accordance with the requirements of the Act, included in the rules a definition of acts which are liable to punishment as nuisances; but they would recommend in lieu thereof the extension of the Suburb Police and Conservancy Act (XXI. of 1857) to the town of Mutlah, that Act being much more comprehensive, and better adapted to insure an efficient system of police and conservancy than any mere rules that could be framed without reciting that Act in full.

8. In the absence of any reply to my letter, No. 7 A, of the 15th instant, to your address, requesting information as to the funds to be placed at the disposal of the Commissioners, and as to the extent of their jurisdiction, the Commissioners presume that the rents of the purchased lots will be available for the purposes of the Commission, and that their jurisdiction will be confined to the town of Canning Proper, as defined in the last map prepared by the superintending engineer, South Eastern Circle. The Commissioners propose for the present to restrict the cost for the establishment they would entertain within limits which those rents will cover; but they are aware of the urgent necessity of losing no time in perfecting those public works which have been thrown upon their hands incomplete, and in commencing others suggested by one of the members, the superintending engineer, South Eastern Circle, and by the Mutlah Association, with the importance of which they are fully impressed.

Completion of excavation of tanks 4 and 7.
Completion of surface drainage and construction of sluices.
Construction of a metalled road to the railway.
Metalling of the strand road.
Protection of the river banks.

9. To enable them to carry out these indispensable works, a sum of two lacs at least will, it is considered, be required. This, or a portion of it, might be raised from the sale of some or all the town lots, numbering 257, at present unsold; but such a measure would be undoubtedly premature, and a fatal sacrifice of property, which will command ere long a high price.

10. The Commissioners therefore desire to seek the aid of the Government in the form of a loan of two lacs of rupees, at 5 per cent. interest, on the security of the unsold town lots, and I have the honour to forward copy of their resolution to this effect.

11. Without such assistance, the Commissioners fear that in the present condition of the Mutlah project, they would be unable to raise funds to undertake these works, the early completion of which is of vital importance to the success of the port; but they are confident that, with the great rise in the value of land within the town of Canning (which, they believe, will eventually take place), the security they offer will prove amply sufficient, and that as facilities are created for trade by the opening of the entire line of the Calcutta South Eastern Railway, and by the construction of roads and wharves, a considerable income will be realised from the taxes which they will then be in a position to impose.

12. Should their application be favourably entertained, the Commissioners will submit any further details on this subject the Government may require.

Enclosure in No. 4.

RULES for giving effect to the Provisions of Act XXVI. of 1850, in Canning Town, on the Mutlah.

Rule I. THE Commissioner of the Nuddea Division shall be *ex officio* President of the Commission, and the Commissioners shall employ such engineers, surveyors, and other officers and servants as may be required, on such wages as may be determined upon by them in each case.

Rule II. Every person employed by the Commissioners shall be, on their orders, liable to a fine not exceeding one month's pay, or to dismissal for any misconduct or neglect of duty.

Rule III. The Commissioners shall have power to give names to any street or thoroughfare in the town.

Rule IV. All monies and securities deposited by the officers, servants, contractors, and others, shall be transmitted to the Bank of Bengal by the Secretary for safe custody.

Rule V. The proceeds of all taxes and collections, shall in like manner be transmitted to the Bank of Bengal by the Secretary, who shall keep an account of all the receipts and disbursements, which shall be submitted monthly to the Commissioners for Audit.

Rule VI. All monies shall be drawn from the Bank of Bengal by cheques signed by the Secretary, and countersigned by one of the Commissioners.

Rule VII. An annual account of receipts and disbursements, and of the demand, collection, and outstanding arrears of rents, taxes, &c., shall be submitted to the Government of Bengal on or after the 1st of May of each official year.

Rule VIII. To ensure the due application of all rents, taxes, and other revenues, no new work shall be commenced, except under the authority of a resolution passed at a meeting of the Commissioners.

Rule IX. The Commissioners shall meet during the first week of every month for auditing accounts and the dispatch of business. Should such day be a mail day the meeting to be held on the day following. Three Commissioners shall form a quorum, and all questions shall be decided by a majority of votes; the President to have a casting vote.

Rule X. The following are defined to be nuisances, and are accordingly prohibited:

1. Erecting any manufactory within the limits of the town without the sanction of the Commissioners.

2. Burning or making bricks by public officers or private individuals within the limits of the town without the sanction of the Commissioners.

3. Making

3. Making excavations within the limit of the town without the sanction of the Commissioners.

4. Constructing houses, the ground floor of which may be at a height less than 53 above datum, *i.e.*, three feet over the highest flood-tide, which is to be taken as hewn by a permanent brick or stone block fixed by the Commissioners, and to be pointed out by their engineers.

5. Throwing or putting, or causing or allowing to be thrown or put, any stones, earth, dung, ashes, refuse, rubbish, or any animal or vegetable matter, upon any public road, except in such places as are indicated by the Commissioners for that purpose.

6. Obstructing any public road or drain, or making encroachments on any public road or open space by the temporary exposure of articles of sale, or by constructing any building.

7. Stopping any public watercourse or drain, so as to obstruct the free passage of water.

8. Refusing to remove any dilapidated or broken and dangerous brick or mud wall or building close to any road or thoroughfare.

9. Erecting any waterspouts on terraces, and thereby causing water to be thrown on any road or thoroughfare.

10. Tethering cattle or goats or other animals, or causing them to be tethered, or causing or allowing them to stray without a keeper, for the purpose of grazing on the public roads, except by permission of the Commissioners.

11. Refusing or neglecting to cut the boughs of trees overhanging any public road, or lopping the branches of or defacing any tree growing on public sites or roads.

12. Refusing to cut down any jungle and underwood growing within the town, and pronounced by the medical officer to be deleterious to the public health, when the Commissioners shall order their removal.

13. Refusing or neglecting to put into a wholesome state any private tank, ditch, or other excavation, after being required to do so by the Commissioners.

14. Keeping filth, dirt, dung, bones, dead bodies, rubbish, or other matter of an offensive nature, for more than 12 hours in or upon any house, out-house, yard, or ground close to a dwelling-house.

15. Keeping or building any tattee, privy, or urinal, within 20 yards of any public road or street.

16. Defiling in any way any public road, or the ditch adjoining thereto, or the bank of any public tank, or the bank of the river where it adjoins the public road.

17. Wilfully and indecently exposing the person on or near any public road or any public place whatsoever.

18. Wilfully exhibiting any sores or diseased portions of the body anywhere within the limits of the town.

19. Burying dead bodies in graves of less than three feet in depth, or in any other places except in the regularly appointed graveyards, or throwing them into any tank or other water.

20. Burning dead bodies at any place except those set apart for the purpose.

21. Exposing for sale any putrid animal substance unfit for human food.

Rule XI. Any person committing within the town of, Canning any nuisance as defined by the foregoing Rules, shall be punishable by a fine not exceeding 50 rupees, and, in case of continuing a nuisance after due notice, by a fine not exceeding five rupees for every day during which the nuisance is continued.

Rule XII. Commissioners are empowered through their agents to make any inquiries that may be necessary in regard to alleged offences against these municipal rules, and to institute complaints before the magistrate, by whom alone such cases can be tried and disposed of.

Rule XIII. The proceeds of the fines realised under the preceding rules are to be applied to the same purposes as the other funds at the disposal of the Commissioners.

Rule XIV. If any person be disposed to give a donation or periodical contribution for any purpose of public improvement within the scope of the Commissioners' authority, the same shall be received and carried to the credit of the Town Municipal Fund, and appropriated, at the discretion of the Commissioners, according to the wish of the donor.

Rule XV. Any person who has any suggestion or complaint to make on any subject within the scope and authority of the Commissioners, may do so in writing on unstamped paper at any meeting of the Commissioners.

Rule XVI. The above rules may [be amended or rescinded, and new rules may be proposed by the Commissioners at any of their meetings, and such amendments or repeals of old rules, or draft of new rules, if agreed to by the majority, shall be submitted for approval to the Government, and shall not be in force until so approved.

— No. 5. —

From *E. H. Lushington*, Esq., Secretary to the Government of Bengal, to *V. H. Schalch*, Esq., President of the Commission appointed under Act XXVI. of 1850, for the Town of Canning (No. 1005); dated 6 March 1863.

I AM directed to acknowledge the receipt of your letter, No. 17, dated 2d instant, and in reply to convey the sanction of the Lieutenant Governor to the rules you have submitted for giving effect to Act XXVI. of 1850, within the town of Canning on the Mutlah. They will be published in the Gazette.

2. His Honor approves of the decision of the Commissioners, described in your 4th paragraph, deferring the imposition of certain taxes on the ground that, in the present condition of the settlement, they would realise no appreciable return, while they might tend to alarm and keep people away. At the same time, however, the Lieutenant Governor is of opinion that hereafter these sources of taxation should be carefully looked to, and he feels confident that, if they are judiciously regulated, there will be no occasion for apprehension, even at an early date, that they will in any way act prejudicially to the growth of the town.

3. The Lieutenant Governor notices the two important additions to the rules which are mentioned in your 6th paragraph, and he desires me to express his full concurrence in both of them.

4. With advertence to your 8th paragraph, I am to refer you to my letter, No. 248, dated 16th January. The Commissioners, I am to observe, are perfectly correct in their assumption that the rents of the purchased lots will be available for the purposes of their fund, as also those of all the lands in Lots 54 and 50.

5. In regard to the limits of jurisdiction of the Commissioners, it may be confined for the present to the town of Canning Proper, as defined in the last map prepared by the superintending engineer, South Eastern Circle, but the rents of the remainder of Lots 54 and 50 will be made over to them by the Soonderbun Commissioner.

6. The Lieutenant Governor entirely approves of the opinion expressed in your 9th paragraph, that no building lots should be now thrown into the market. The Municipal Commissioners are at liberty to lease these lands at their discretion for periods not exceeding 60 years, and to sell such leases when, in their opinion, this can be done without unduly depreciating the value of such property, but no land can be sold outright without the express sanction of Government.

7. An application will be made to the Government of India, applying for a loan of two lacs of rupees out of the cash balances, in conformity with the terms of the resolution of the Commissioners.

— No. 6. —

From *S. H. Robinson*, Esq., Honorary Secretary to the Municipal Committee for the Town of Canning, to the Secretary to the Government of Bengal (No. 3); dated 6 April 1863.

I HAVE the honour to acknowledge receipt of your letter, No. 1005, of the 6th March last, to the address of the President of the Municipal Commission, and, with reference to paragraph 4, I am directed to solicit that the Government will give to the Committee the control and management of the Government portion of Lot 50, and also of the remaining portion of Lot 54, the jurisdiction of which is not already made over to them, subject, however, to the stipulation contained in the fifth paragraph of the letter above referred to.

2. The Committee are moved to make this request for the following reasons :

1st. To facilitate the introduction of a complete and uniform system of drainage.

2d. To

- 2d. To insure uniformity and economy in management.
 3rd. To prevent delays by reference to other authority in any matters connected with the lands; and,
 4th. To provide additional security when raising funds for municipal purposes.

3. I am further directed by the Committee to request, with reference to the first paragraph of your letter, that the Government, when publishing the Municipal Rules in the "Government Gazette," will be good enough to notify at same time that all rents of town lots are for the future to be payable to the Commissioners on the receipt of their secretary.

4. And lastly, with reference to the sixth paragraph of your letter, the Committee desire me to solicit an early reply to their application for a loan of two lacs of rupees, as the working season is fast passing away, every day now being of consequence in the prosecution of works, which they cannot proceed with until sufficient funds are available.

— No. 7. —

From *S. H. Robinson, Esq.*, Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Secretary to the Government of Bengal (No. 10); dated 22 April 1863.

WITH reference to paragraphs 1 and 2 of the letter No. 3, which I had the honour to address you on the 6th instant, and to which no reply has yet been received, I am now directed by the Municipal Commissioners to bring to the notice of your Government a serious discrepancy in the conditions on which the trust of the property in the town has been made over to them, as set forth in your letter, No. 248, of 16th January 1863, and 1005, of 6th March 1863.

In paragraph 5 of the letter, dated 6th March, the Commissioners are distinctly authorised to lease the lands at their discretion for periods not exceeding 60 years, and to sell such leases when, in their opinion, this can be done without unduly depreciating the value of the land; whereas, in their former letter of 16th January the Government reserves to itself the right to take any land required for public purposes without giving any compensation to the Commissioners, or having to purchase any rights, except such as are held adversely to them.

The Commissioners consider this latter restriction subversive of the right conferred in the first named letter, because it will be found practically impossible to lease the land on advantageous terms, if the lease be subject to conditions allowing the resumption by Government of any portion of the land conferred in it for public purposes without the grant of compensation.

The Commissioners, therefore, would suggest that the Government determine, within a definite period, on the portions of land they may require for public purposes, retaining, after the lapse of such period, no right to resume any land, except under such process, and on paying such compensation as the law may authorise.

— No. 8. —

From *S. H. Robinson, Esq.*, Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Secretary to the Government of Bengal (No. 11); dated 22 April 1863.

ADVERTING to my letter of this day's date (No. 10), I am directed by the Commissioners to request you to lay before his Honor the Lieutenant Governor the following observations for his consideration.

It appears to the Commissioners that to make the town of Canning on the Mutlah complete in every respect as a commercial port, it will be necessary to spend a large sum of money in raising the ground, constructing roads, protecting the river frontage, draining the town, making landing arrangements,

&c. They are not prepared to say, with any degree of precision, what the expense will amount to, but on a rough estimate they would name 25 lacs of rupees as an approximate sum.

The Commissioners have given their best consideration as to how this money is to be raised. Three different methods have occurred to them.

The first is, that the Lieutenant Governor be requested to move the Government of India to lend the money to the Mutlah Municipality from time to time as required, at a moderate rate of interest.

In the present state of the new port, the Commissioners are unable to estimate in detail their future income, whether by the proceeds of sales of leases, or by rents derivable from land, or by the imposition of municipal taxes; but they, nevertheless, do not hesitate, believing as they do that the port will be largely resorted to by shipping, to state their conviction that the proposed outlay of money in making the new town will prove amply reproductive; and the Commissioners, therefore, feel justified in submitting the above recommendation to his Honor the Lieutenant Governor.

Should the foregoing proposition be considered inadmissible, the Commissioners suggest that they be permitted to raise the required sum by public loans for limited periods, under the guarantee of Government, and under such restrictions as they may deem proper to impose. If the Government thought fit to guarantee the interest on the cost of the railway, which will be about half a million of pounds sterling at the time when Mutlah was a wilderness, the Commissioners think it is not unreasonable to expect the concession asked for at this present time, when the railway is about to be opened through, when one house alone expects half-a-dozen ships in the Mutlah in the course of the next two or three months, and when the value of land, as shown by recent transfers of leases, has already risen enormously.

If neither of these two ways of providing the necessary funds be approved of, the only other method which the Commissioners can devise is the issue of debenture loans from time to time as required. Should this be the alternative left to the Commissioners, they propose to invite tenders, giving at least four months' notice for loans in sums of not less than 1,000 rupees, payable at the end of five years, bearing interest at a fair rate, which they are afraid will be as high as 6 per cent. per annum.

The Commissioners, I am desired to add, are unanimously of opinion that such loans cannot be obtained from the public without offering the security of a freehold tenure of lot 54 and the reserved portion of lot 50. An attempt to raise the money by debentures would be unwise, unless the Commissioners felt tolerably sure of its success; and they are convinced no such attempt ought to be made unless their hands are strengthened by the freehold gift of the Government proprietary rights in the above-mentioned lots.

I am requested to state further that this last method of raising the money is somewhat uncertain in the opinion of some of the Commissioners; they will, therefore, be glad if the Lieutenant Governor should concur with them in recommending to the Government of India, either to lend the money required to the Municipality, or to allow them to raise it under the guarantee of Government. But if neither of these proposals is approved of by his Honor, it will, they think, be absolutely necessary for him to recommend to the Government of India to make a freehold gift of their proprietary rights, as they repeat their conviction that no loan can be raised without the security of such a tenure.

It might be as well to add, that the concession of the freehold would involve the loss of barely 2,000 rupees per annum of prospective revenue, which bears but a small proportion to the Government guarantee on the railway, the repayment of which again depends entirely on the success of the Mutlah as a port.

— No. 9. —

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Honorary Secretary to the Municipal Commissioners for the Town of Canning, on the Mutlah (No. 2163); dated 7 May 1863.

I AM directed to acknowledge the receipt of your letter, No. 10, dated the 22d ultimo, and in reply to say that the Commissioners appear to have misunderstood the orders of Government, dated the 16th January 1863, No. 248.

The

The object of the reservation in paragraph 3 was to release Government from all obligation to make any payment to the Commissioners for lands situated in lots 50 and 54, which may at any time be required for public purposes. If any land leased by the Commissioners to any other person is hereafter required for public purposes, the lessee of the Commissioners will, of course, receive the usual compensation from Government for any rights of his which Government may desire to acquire; but in addition to the compensation to the lessee, the Commissioners themselves will have no claim.

2. There is nothing in this, I am desired to observe, which can possibly have a tendency to depreciate the value of the land, for the tenants of the Commissioners, in the case of land being required for public purposes, will be precisely in the same position as any other holders of land similarly taken up, and will be treated with in precisely the same manner.

— No. 10. —

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Honorary Secretary to the Municipal Commissioners for the Town of Canning (No. 2684); dated 3 June 1863.

I AM desired to refer to your letter, No. 10, dated the 22d April last, and to remind you, that by the orders* passed on the 16th January last, Government made over "to the Commissioners, in trust for the town of Canning, the whole of its proprietary right in lots No. 54 and No. 50, subject to its control as to the manner in which the lands shall be disposed of for the benefit of the town and port, and as to the manner in which the rents derived therefrom, and the sale proceeds of leases, as well as the funds derived from any other source of municipal revenue, shall be expended, distinctly reserving to itself the right to take any of the land that may now or hereafter be required for Imperial or other public purposes; such, for instance, as the making of roads or tanks, the enlargement of the railway premises, the construction of wharves, quays, or jetties, and the building of public offices or works of defence, without giving any compensation to the Commissioners, or having to purchase any rights but such as are held adversely to them." It was explained to the Commissioners by the order† of the 7th ultimo, that the reservation of a right on the part of Government to take lands for public purposes without any payment to the Commissioners, did not in any way affect the rights of persons holding under the Commissioners, who, as a matter of course, will receive full value of any property which the Government may desire to obtain for public objects under the law in force for that purpose.

* No. 248 (See ante, No. 3).

† No. 2163 (No. 9).

2. I am now desired to inform the Commissioners that, with the sanction of the Government of India, all claim to land revenue from these lands is finally and for ever relinquished, and that they will be held in freehold tenure by the Municipal Commissioners in trust for the town and port, subject to the rules in force, and to the sanction of the Government, as to the manner in which the lands shall be disposed of for the benefit of the town, and as to the expenditure of the rents and sale proceeds of leases arising therefrom, and subject also to the reservation alluded to in the preceding paragraph, and to that of such portions of land as are already set apart for Government buildings.

3. I am to request that the Commissioners will be so good as to draw out clear rules, laying down the conditions on which lands will be leased, or leases of land will be sold both in and out of the town, and these rules when approved will be a sufficient guide and authority for the Commissioners to proceed upon. Until these rules are prepared and approved, the existing rules applicable to the case will continue to be observed.

4. It will be necessary that the Commissioners should also pass a rule enabling them to take up money on the security of the land, and should submit such rule for sanction under the Act. With reference to the 10th paragraph of the letter of the President, No. 17, dated the 2d February last, I am desired to state, for the information of the Commissioners, that the Supreme Government has declined to grant the loan of the two lacs of rupees therein asked for.

5. His Honor desires that each year the Commissioners will submit for the approval of Government, a budget showing estimated receipts and expenditure for the year next ensuing, and that budget when passed will be sufficient authorisation for the expenditure of all sums entered therein. For all sums exceeding rupees (500) five hundred not included in that budget, a special sanction will have to be obtained.

— No. 11. —

From *S. H. Robinson*, Esq., Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Secretary to the Government of Bengal (No. 58); dated 19 June 1863.

I HAVE the honour to submit, for approval of the Government of Bengal, the following two additional rules, which the Municipal Commissioners desire may be added to those already approved of by the Government, for the use of the Canning municipality, under Act XXVI. of 1850.

Rule XVII. The Commissioners are empowered to grant leases, and to sell leases of land, both in and out of the town on such terms and for such periods as they may from time to time determine, subject to the approval of the Government.

Rule XVIII. The Commissioners are empowered to raise loans from time to time as they may deem necessary, on security of the municipal property, and on such terms of interest and for such times as they may determine, subject to the approval of the Government.

— No. 12. —

From *S. H. Robinson*, Esq., Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Secretary to the Government of Bengal (No. 59); dated 20 June 1863.

I HAVE the honour to enclose, herewith, extract of proceedings of the Municipal Commissioners at their meeting held on 11th instant, embodying the terms on which they propose to raise a loan of rupees (10,00,000) ten lacs for municipal purposes, and also the terms on which they propose to allow holders of lots in the town to convert their leasehold into freehold titles, and I request you will be so good as to submit the same for approval to his Honor the Lieutenant Governor as soon as convenient.

Enclosure in No. 12.

EXTRACT OF PROCEEDINGS of the Municipal Commissioners for the Town of Canning, at their Meeting of 11 June 1863.

Read letter from the Secretary to the Government of Bengal, No. 2684, of 3d (June) instant, conferring on the Commissioners the freehold title to the lands in lots 54 and 50 (previously made over to them in leasehold), in trust for municipal purposes, and on certain conditions; on which it was resolved, that a loan of 10 lacs of rupees should be raised on debentures, for general purposes, in improving the town, on security of the municipal property, and on the following terms:—

The loan to be advertised on the 1st (July) proximo, and tenders from subscribers to be received up to 1st November next.

The loan to be for five years.

The rate of interest to be fixed at 5½ per cent per annum.

The minimum rate of tenders receivable to be 95 rupees, for every 100 rupees of loan.

The lowest amount of debenture tendered for to be 600 rupees. The debenture holders to be entitled to convert their debentures into leasehold titles to land in the of town, at the rate of one beegah of ground for every 600 rupees of loan, and to the extent of

of 5,00,000 rupees in all, to be given to such debenture holders as may first claim the privilege of conversion, provided the right be exercised within a period of two years from the issue of the debentures; the leasehold titles so conferred to be for 60 years, and on a rental of 30 rupees per beegah per annum, with the same right of converting the leasehold into freehold titles as enjoyed by all town lot holders.

Resolved, that all leaseholders of town lots be allowed to convert their leases into freehold titles, by a cash payment of 600 rupees per beegah, provided such privilege be availed of within four years from the date of issue of notice to that effect, which notice is to be issued on 1st January next; and the rate and period at which conversion into freehold tenure may be availed of, after the expiring of such period of four years, to be again fixed on a review and estimate of the then value of the leases.

— No. 13. —

From *George Dickson*, Esq., Secretary and Treasurer, Bank of Bengal, to the Honourable *A. Eden*, Secretary to the Government of Bengal; dated 23 June 1863.

I HAVE to acknowledge receipt of your favour of this date (2d, 20th instant), inclosing extract proceedings of the Municipal Commissioners of the town of Canning, relative to a debenture loan of 10 lacs, and requesting me to give my opinion of the proposed scheme for the consideration of his Honor the Lieutenant Governor.

In reply, I have the honour to submit:—

1st. With reference to the mode in which the loan is to be raised, that, having regard to collateral advantages, its duration and the rate of interest to be allowed appear to me to be unexceptionable.

That the declaration of a minimum of 95 rupees for every 100 rupees is objectionable, and likely to defeat the end in view. Either subscriptions to the loan at a fixed rate ought to be invited, or if sealed, tenders are to be taken, the declared minimum ought to be very carefully kept secret, and the letter containing it opened in presence of those tendering on a day to be named. In cases of equality of tenders beyond the amount required, power should be reserved to make a *pro ratâ* division.

2d. That the option of converting the debentures into leasehold and freehold titles to land in the town, is well calculated to attract native capitalists; but it humbly appears to me that the ground-rent proposed to be exacted for a 60 years' lease is excessive, having regard to the condition of the town in its present incipient or non-existent state. Again, it does not *ex facie* appear that; at the expiry of the 60 years, those leaseholders who may decline to exercise the option of converting their leaseholds into freeholds can have their leases renewed, otherwise the land and erections would lapse to the Government. As regards the freeholds, I am also of opinion that the terms are excessive, viz., 600 rupees a beegah, or 1,800 rupees per English acre. This is equivalent to 20 years' purchase, at the rate of 90 rupees per acre.

It appears to me that greater inducements ought to be held out to investors. It is quite possible, and I hope certain, that the value of land will increase rapidly as the town progresses; but as at present the proposed loan partakes in no small degree of a venture, and as the property of the town, in the absence of direct aid or a guarantee from Government, must be materially affected by the success or non-success of the proposed loan, it is of importance that the first debt be floated off in a creditable way. In short, every reasonable sacrifice, in my opinion, ought to be made to ensure success. I think that the terms embodied in the extract proceedings are neither sufficiently explicit nor advantageous enough to make success probable.

I am not in a position to say to what extent the debentures may be taken up in India. I incline to the opinion that, if successfully accomplished, it will be carried through in a greater degree by those in England who have an interest in the Mutlah Railway than by native capitalists.

— No. 14. —

MINUTE by the Lieutenant Governor of Bengal.

I MAY as well put on record the impressions I derived from my visit to Canning on the Mutlah.

2. The "Rotas" in tow of the steamer "Koladyne," entered the Mutlah by the Catalmaree Creek to the westward of Peel's Island, on the morning of Wednesday the 17th. We ran up with the flood tide, and anchored off the railway station at 10 a. m.

3. The whole of the river, from the Sandheads to the junction of the Bidyadurree, has been surveyed with care and accuracy by Mr. Laycock; the chart is full and complete; and the deep channels have been marked off by black and red buoys.

4. The channel to the westward of Peel's Island, has now been surveyed and laid down for the first time. It will be of great use to ships proceeding to sea in the south-west monsoon.

5. We arrived in the port almost at the same time with the "Essex," a Prussian vessel with a cargo of salt. I was informed that the vessel sailed up from the Sandheads without the least difficulty; that arrangements had been made for the delivery of her cargo over the ship's side, and for providing her with an export cargo of linseed; and that her expenses would be 7 s. a ton less than if she had gone to Calcutta.

6. With its natural advantage of position, and the great facility of communication with Calcutta which the railway now affords, there seems every probability that Canning will, before many years, become the emporium of the trade of Eastern Bengal. The pilot, port, and Customs establishments are at present sufficient for the wants of the port.

7. The railway has now been open to Canning for more than a month, and two trains run daily to and from Calcutta. The traffic is in its infancy, and is as yet unaffected in any sensible degree by the existence of Canning as a possible town and port. But the railway is already used as a partial means of communication between Calcutta and the eastern districts; the traffic since the opening of the last section has increased much beyond the proportion to distance, and is now said to pay the working expenses of the line; and steps have been taken by a Calcutta mercantile firm to run two steamers between the Mutlah and Dacca, an arrangement which, if successful, will of course materially aid the railway and stimulate the growth of the town of Canning.

8. I walked over part of the site of the town on the 17th, and inspected the railway works and the new magistrate's cutcherry. The passenger's station is nearly completed and in use. A large goods warehouse is in course of construction and well advanced, and immediately opposite to it is the site of the projected iron screw pile jetty, the materials for which are on the way from England in a ship which is now overdue. A temporary but substantial wooden jetty is now used for landing stores for the railway.

9. The magistrate's cutcherry is a well raised, substantially built, and roomy house of two storeys, the ground floor being intended for the office, and the upper floor for the magistrate's residence. It is centrally situated with reference to the plan of the town, and from the roof there is a commanding view of the whole of the town lands from the Bidyadurree on the north, to the Malee Khal on the south.

10. Considerable progress has been made with the Strand-road, which has been raised along its whole length to the requisite height, and is now being metalled from the railway station to the main street beyond the Custom House premises.

11. On the 18th the Municipal Commissioners came down from Calcutta to meet me. We discussed the terms of a loan of ten lacs of rupees, which they propose to raise on the security of the town lands, for purposes of improvement. The plan set forth in the annexed paper is to be submitted for official sanction, which,

which, so far as regards the issue of debentures and their conversion into leasehold titles, I have promised, subject to professional advice. I feel, however, considerable doubt as to the further proposal to allow leaseholders to convert their leasehold into freehold titles.

12. The Commissioners agreed with me, that the grant of the two Sunderbuns, Lots Nos. 54 and 50, should be conveyed to them by formal deed, setting forth the conditions of the grant, and the mode in which the lands may be disposed of for the benefit of the town. The draft of such a deed will be prepared by the Commissioners in accordance with the letters they have received from the Government, and will be submitted for approval before the deed is engrossed.

13. I pointed out to the Commissioners some points which seemed to me to require their attention.

14. First of all is the importance of keeping an open space to the south of the town, with a view to provide for its proper ventilation in the hot and rainy seasons, when southerly winds prevail; and also to secure at the outset a spacious and conveniently accessible park for the recreation of the inhabitants. It appears to me that the whole of the town lands in Lot No. 50 to the south of the Malee Khal, being one square mile in extent, should be reserved for this purpose. The land, especially along the river frontage, is doubtless very valuable, and would sell at a high price for building locations; but the health of the town is an object of such paramount importance, that I do not think a beegah of this land should be alienated. The town should be left to extend to the westward, in which direction the available space is practically unlimited, but there should be no buildings to the south of the railway premises on land belonging to the Municipal Commissioners.

15. This reservation would not prevent the river in front of the town lands of Lot 50 from being used by the shipping, if the trade of the port should so increase as to require it; but all ships should be required, in the first instance, to anchor above the Malee Khal, opposite that part of the town which has already been disposed of in lots, and which is obviously the first to be occupied by mercantile establishments.

16. The space already reserved for a maidan at the junction of the Mutlah and Bidyaduree Rivers need not at present be diverted to any other purpose; but it strikes me that the situation is better suited for first class European residences than the building lots to the north of the mercantile quarter of the town, which alone are now available for the purpose.

17. Sufficient ground should be reserved in the most suitable places for the public buildings likely to be required for the use of the town. Besides a church, for which a site has been appropriated, there are a town-hall, a market-place, an exchange, a hospital, a college, and other suchlike buildings, for which, sooner or later, land may be required. It will be prudent to fix at once on the best sites to be reserved for these and to allow these to be occupied till required, only on short terminable leases.

18. The want of fresh water is no doubt the great drawback of the place, and one which probably can never be entirely removed except by bringing water from the Hooghly River by pipes. The only way of mitigating the evil is by digging numerous tanks of very large area, for in depth they can rarely exceed 10 feet without becoming salt. The excavations from these tanks will will also supply earth for raising the level of the town. But the sites set apart for tanks in the plan are quite insufficient both in size and number, and ought, I think, to be extended and increased.

19. One of the proposed conditions of the projected loan is that the debentures bearing 5½ per cent. interest may be converted at any time during the next two years into leasehold titles to land in the town at the rate of 600 rupees a beegah, to the extent of five lacs of rupees, or one-half of the whole loan. The leases are to be held for sixty years at an annual rent of 30 rupees the beegah. This may involve the alienation of some 833 beegahs of town and, and bring in an income of 25,000 rupees a year. It is, perhaps, not likely that the leasehold of these lands, if now sold by public auction, would

realise as much as five lacs, and therefore, as the condition is thought likely to make the loan popular, and at the same time to attract settlers to the town, I see no objection to it.

20. It is also proposed to allow all leaseholders of town lots, including both existing and future leaseholders, to convert their leasehold tenure into freehold on payment of 600 rupees a beegah, at any time within four years from notice.

21. I confess I feel averse to the permanent alienation of any of the town lands while their value bears so small a proportion to that which they will undoubtedly acquire in a few years if present anticipations be realised; still more to their permanent alienation unburdened with a quit-rent upon which the Municipality may depend for awhile for its income until other sources of taxation develop themselves.

22. It seems to me that it will, at any rate, be sufficient, as an inducement to the public, to take up the loan if, in addition to the privilege of converting their debentures into leases for 60 years, at the rate of 600 rupees a beegah, they are also permitted to exchange their terminable leases into a permanent or freehold tenure, subject to a quit-rent of 30 rupees a beegah, redeemable hereafter at its market value when the town has an assured income from other sources.

23. In like manner, I should be inclined to limit the permission to existing leaseholders to convert their leases into freehold, confining it to such leaseholders as become holders of debentures, and allowing them only to acquire a permanent tenure subject to a quit-rent of 30 rupees a beegah, redeemable, as in the other case, at some future time.

24. Whether 600 rupees a beegah be too much to ask for converting a temporary lease into a permanent tenure subject to a quit-rent redeemable hereafter, is a point on which the Commissioners could no doubt form an excellent judgment.

25. I should like a copy of this paper to be sent to the Municipal Commissioners for their information, and for their further consideration of the question of converting the leases into permanent freehold tenure subject to a quit-rent. Perhaps they will at the same time consider whether four years is not too long a time to allow for the exercise of the privilege, and whether two years would not be a sufficient period.

(signed) Cecil Beadon.

Her Majesty's Yacht "Rotas,"
20 June 1863.

Copy forwarded to the Honorary Secretary to the Municipal Commissioners for the town of Canning for information.

— No. 15. —

From *S. H. Robinson, Esq.*, Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Secretary to the Government of Bengal (No. 64); dated 26th June 1863.

I HAVE the honour to acknowledge receipt of your letter of 25th instant, forwarding copy of a Minute by His Honor the Lieutenant Governor of Bengal, dated 20th instant, which I lost no time in laying before the Commissioners at their meeting of this date, and I am now directed to submit the following remarks thereon:—

The Commissioners, feeling the importance of placing on the market the proposed Municipal Loan with the least possible delay, desire to confine themselves principally on this occasion to a consideration of paragraphs 19 to 25 of His Honor's Minute, which refer to this subject; and I am desired to say that, after most carefully considering the suggestions made by His Honor, as well as the

the written opinion of Mr. Dickson, addressed to the Secretary to the Government of Bengal, the Commissioners have arrived at the conclusion that the conditions embodied in the enclosed draft of an advertisement for the loan are the most stringent that could be adopted with any prospect of obtaining, by means of the loan, the funds so urgently required for the improvement of the town and port. It will be observed that, in deference to his Honor's opinion, the Commissioners have withdrawn the proposal to give to all leaseholders of town lots the option of converting their leases into freehold titles, but the majority of them think that this right should undoubtedly be accorded to the existing leaseholders, considering that the success, if not the very existence of Canning as a port is mainly owing to the exertions of those gentlemen who have already expended, and who will still have to expend considerable sums of money on their lots without deriving any immediate benefit from their outlay; and, feeling as they do, that should such option be denied to them, they would, in such case, be placed in an unfair and disadvantageous position relatively to the new lessees who may hold titles to land under the terms of the debentures.

The Commissioners would also remark that, in lieu of the permanent quit-rent on which, in paragraph 21 of his Honor's Minute, it is proposed the municipality might rely as a source of income, they have provided that two-thirds of any funds that may accrue from conversion of leasehold into freehold tenure shall go towards reduction of the loan.

The Commissioners, in conclusion, feel that they cannot lay too much stress on the necessity for early action, and they therefore trust that the conditions, in the form now submitted, may meet with his Honor's approval.

— No. 16. —

From *J. Geoghegan*, Esq., Under Secretary to the Government of Bengal, to the Honorary Secretary to the Municipal Commissioners for the Town of Canning (No. 3783); dated 17 July 1863.

I AM directed to acknowledge the receipt of your letter, No. 58, dated the 19th ultimo, and in reply, to state that the Lieutenant Governor approves of the two additional rules (XVII. and XVIII.) submitted by you for giving effect to Act XXVI. of 1850, within the town of Canning on the Mutlah. They will be published in the Gazette on an early date in continuation of those already sanctioned.

— No. 17. —

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Honorary Secretary to the Municipal Commissioners for the Town of Canning (No. 3819); dated 21 July 1863.

WITH reference to your letters, Nos. 59 and 64, dated the 20th and 26th ultimo, I am directed to inform you that the Lieutenant Governor, with certain modifications, which are underlined* in the accompanying copy, has approved of the draft of advertisement for raising a loan of 10 lacs of rupees on debentures for municipal purposes. A copy of the advertisement containing the alterations made by his Honor is herewith forwarded.

Nos. 12 and 15.

* Printed in *italics*.

2. I am to observe that the question of freehold having been maturely considered by the Commissioners, and the arguments in favour of conceding this right having been urged both in writing and at an interview the Lieutenant Governor had with some of them at Kooshtea, his Honor has no wish to insist upon the objections stated in his Minute of the 20th of June against the permanent alienation of so much of the town lands as may be redeemed by debenture holders.

3. But the Lieutenant Governor cannot bring himself to agree to the proposal that existing leaseholders should be allowed to convert their leases into freehold tenure unless they become debenture holders. It is clearly not neces-

sary for the purposes of the loan that this should be done, and if proposed in connection with the loan, it may possibly be regarded with suspicion by the public as a means of favouring the existing leaseholders under cover of the loan. The effect of such a suspicion would be damaging to the success of the undertaking.

4. Hereafter it may be thought expedient, as a separate measure, to enable existing leaseholders to convert their leases into freehold on terms to be settled with reference to the actual value of the property; but it seems to his Honor objectionable to authorise this convenience in connection with the proposed loan, and it must be remembered that the existing leaseholders, while they have obtained all the best sites of the town on comparatively easy terms, are those who will chiefly benefit by the expenditure of the money which it is now proposed to borrow.

5. The Lieutenant Governor, after communicating with the Secretary, Bank of Bengal, considers it to be expedient that the tenders should be received by some well known agency houses rather than by the Bank of Bengal, and he thinks that the same course should be followed on this occasion as in the case of the late Calcutta Municipal Loan, and that Messrs. Colvin, Cowie, & Company should be asked to receive the tenders.

6. I am to add that the Commissioner before whom, in association with the Secretary to the Bank of Bengal, the tenders and minimum packet are to be opened, should, if possible, be the Commissioner of the Nuddea Division, or, in his absence, the magistrate of the 24 Pergunnahs.

Enclosure in No. 17.

LOANS ON DEBENTURE.

THE Municipal Commissioners of Canning, with the sanction of Government, are prepared to receive sealed tenders for loans on debenture for 10 lacs of rupees, for the general improvement of the town and port of Canning, and the lands adjoining thereto, on security of the properties of the municipality, as described in the annexed Schedule, and on the credit of the existing rents of lands, and of the rents, rates, and taxes that may be hereafter imposed and levied on account of the municipal fund, *under the provisions of Act XXVI. of 1850, or of any other Act that may be passed by the Legislature.* The tenders are to be for sums of not less than 600 rupees. The debentures will have a currency of five years, and carry interest at the rate of 5½ per cent. per annum from their respective dates. Interest to be paid half-yearly, on the 30th June and 31st December, at the Bank of Bengal.

2. The first instalment, or 25 per cent. of the 10 lacs, to be payable at the Bank of Bengal on 15th November next, 25 per cent. on 1st January next, 25 per cent. on 1st April next, and the remaining 25 per cent. on 1st July 1864.

3. In case of equality of tenders beyond the amount required a *pro ratâ* diminution will be made.

4. The Commissioners reserve to themselves the right of refusing all tenders below a certain minimum rate to be declared at the opening of the tenders.

5. Debenture holders are to be entitled to convert their debentures, to the extent of one-half of the entire loan raised, into leasehold titles to lands in the town within a period of two years from the issue of the debentures, at the rate of 600 rupees of loan for one beegah of ground. Such privilege of conversion to be given to debenture holders in order of the dates on which applications for such conversion are received by the Commissioners. The leasehold title so conferred to be for 60 years, on a rental of 30 rupees per beegah per annum. Such leaseholders to be further allowed to convert their leasehold into freehold tenures by a cash payment, at the rate of 600 rupees per beegah, provided such privilege be claimed within four years from 1st January next, and the privilege of conversion to be retained during the remaining currency of the lease, but at a rate per beegah to be fixed at intervals of four years, on a review and estimate of the then value of the leases, such value to be determined by the Commissioners. *Existing leaseholders who become holders of debentures may, under like conditions, convert such debentures at once into freehold tenure of their present leasehold property at the rate of 600 rupees per beegah.*

6. The entire proceeds of purchases of leases by debenture holders, and two-thirds of all redemption money that may be paid for freehold titles, to be considered as hypothecated towards redemption of the loan, and the remaining one-third of such redemption money to be carried to credit of the municipal fund.

7. Scrip receipts will be issued to the parties whose tenders may be accepted. The receipts will subsequently be delivered up by the holders in exchange for debentures when prepared.

8. Sealed tenders for debentures to be addressed to *the Municipal Commissioners of Canning, superscribed "Canning Loan."* The tenders and packet containing the declared minimum will be opened in the presence of *one or more of the Commissioners and of the Secretary to the Bank of Bengal* at noon of Monday, the 2d of November 1863, at the office of the Municipal Commissioners.

SCHEDULE OF PROPERTIES.

Soonderbun Grant, No. 54.

1. 678 beegahs of ground already let out for 7,800 rupees per annum.
2. About 4,196 beegahs of ground in the town not yet leased out.
3. 13,121 beegahs of ground outside the present town limits, partly let out to ryots and grantees, and yielding an annual rent of 2,716 rupees.

Reserved portion of Grant No 50.

1,951 beegahs of land, of which about one-half is let out on temporary leases.

— No. 18. —

From *S. H. Robinson, Esq.*, Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Secretary to the Government of Bengal (No. 93) ; dated 11 August 1863.

I HAVE the honour to refer you to the extract from the proceedings of the Municipal Commissioners for the town of Canning, appended hereto, and to request the favour of your forwarding the same to his Honor the Lieutenant Governor for his approval and sanction.

Enclosure in No. 18.

Extract from the Proceedings of the Municipal Commissioners of Canning, at their Meeting, held on 5th August 1863.

It was then proposed by Mr. Schiller that it is expedient that the Strand-road should be metalled and widened to the extent of 30 feet for the distance from Mallee Khall to Lot 25, as soon as possible ; and that as funds would be required for this purpose before the loans on debenture can be available in November next, he offers to advance to the extent of 30,000 rupees, if necessary, to carry out the proposed work on security of the municipal property. On which it was resolved, that Mr. Schiller's offer be thankfully availed of, and that the proposal be submitted for the sanction of Government, under Rule XVIII. ; and that on such sanction being accorded, the money be called for as required, and that it be repaid from the first funds contributed to the Municipal Loan.

— No. 19. —

From *S. C. Bayley, Esq.*, Junior Secretary to the Government of Bengal, to the Honorary Secretary to the Municipal Commissioners for the Town of Canning (No. 276 r.) ; dated Bhaugulpore, 18 August 1863.

I AM directed to acknowledge the receipt of your letter, No. 93, dated the 11th instant, and its annexure, and to inform you that the Lieutenant Governor has approved of the acceptance by the Municipal Commissioners of Mr. Schiller's offer to advance 30,000 rupees for metalling and widening the Strand-road from Mallee Khall to Lot No. 25.

— No. 20. —

From *S. H. Robinson*, Esq., Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Secretary to the Government of Bengal (No 169); dated 14 December 1863.

By direction of the Municipal Commissioners of Canning, I have the honour to inform you that the solicitor to the Commissioners has represented that it is important that a Municipal Act should be passed at an early date by the Legislature, constituting them a corporate body. He considers it most desirable that the Commissioners should have the power, which can only be conferred by such an Act, to hold, and by their corporate seal, to convey the lands in the town, and to issue the debenture loan certificates under the same authority.

Soliciting the early attention of Government to this.

— No. 21. —

From *S. H. Robinson*, Esq., Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Secretary to the Government of Bengal (No. 168); dated 14 December 1863.

As directed by the Municipal Commissioners of Canning, I have the honour to append hereto, for the information of Government, a rough sketch estimate of income and expenditure of the municipal funds from the present date up to 1st November 1864, and I am to request the approval of Government for the proposed expenditure and for their contracting for the preparation and delivery of bricks and burnt ballast therein referred to.

I am also directed to mention that a regular budget for the next financial year will be submitted to Government hereafter, in accordance with paragraph 5 of Letter No. 2684 of 3d June last, from the Secretary to the Government of Bengal, to my address.

I have also the honour to report that Mr. J. G. Whitney has tendered his resignation, as Municipal Commissioner, and to request the same may be accepted.

Enclosure in No. 21.

ROUGH SKETCH ESTIMATE of INCOME and EXPENDITURE of the MUNICIPAL FUNDS,
from the present Date up to 1 November 1864.

ESTIMATED INCOME.

	Rs.	a.	p.	Rs.	a.	p.
Balance in Bank of Bengal this day - - - -	84,176	-	-			
Less—over due for Loans taken : <i>Rs. a. p.</i>						
Messrs. John Borradaile & Company - 15,000 - -						
Ditto Discount on 37,000 rupees - 3,950 - -						
	18,950	-	-	15,226	-	-
Rents receivable - - - - -				10,500	-	-
Three Instalments of Contribution to Loan - - - -				1,17,675	-	-
TOTAL Rupees - - -	1,43,401	-	-			

ESTIMATED EXPENDITURE.

	<i>Rs.</i>	<i>a.</i>	<i>p.</i>	<i>Rs.</i>	<i>a.</i>	<i>p.</i>
Establishment and Contingencies for 12 months, at 2,000 rupees per month - - - - -	-	-	-	24,000	-	-
Iron Tramway per Malborough, and Expenses of Transport to Canning - - - - -	-	-	-	10,000	-	-
Interest on Contributions to Loan - - - - -	-	-	-	5,000	-	-
Cost of 18 lacs of Bricks, at 11 rupees per 1,000 - -	19,800	-	-			
Cost of 12 lacs of burnt Ballast, at 10 rupees per 100 cubic feet - - - - -	12,000	-	-	31,800	-	-
Expenditure through Assistant Engineer at Canning—						
For new Sluice Gates - - - - -	10,000	-	-			
For digging Tanks, raising and metalling Roads, 12 months, at 5,000 rupees per month - - -	60,000	-	-	70,000	-	-
Contingencies - - - - -	-	-	-	2,601	-	-
TOTAL Rs. - - -				1,43,401	-	-

(signed) *S. H. Robinson,*
Honorary Secretary to the Municipal Commissioners
for the Town of Canning.

— No. 22. —

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Honorary Secretary to the Municipal Commissioners for the Town of Canning (No. 5825); dated 22 December 1863.

I AM directed to acknowledge the receipt of your letter, No. 168, dated the 14th instant, submitting a rough sketch estimate of income and expenditure of the municipal funds, from the present date up to 1st November 1864, and in reply to state that the Lieutenant Governor approves of the expenditure in question, and of the arrangement in regard to the bricks and burnt ballast, as proposed by the Municipal Commissioners.

2. His Honor accepts Mr. J. G. Whitney's resignation of his office of Municipal Commissioner for Canning.

— No. 23. —

From *S. H. Robinson*, Esq., Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Officiating Secretary to the Government of Bengal (No. 180); dated 30 December 1863.

I AM directed by the Municipal Commissioners to inform you that the duties of this office having now so much increased as to call for more time than could be devoted to them by an honorary secretary, they have appointed Mr. Edward Sandeman, a gentleman at present employed by the East India Railway Company, their secretary, on a salary of 400 rupees per month, subject to the approval of Government.

I am to request the favour of the Government sanction being accorded to this arrangement as early as convenient.

— No. 24. —

From *S. H. Robinson*, Esq., Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Officiating Secretary to the Government of Bengal (No. 156); dated 7 January 1864.

UNDERSTANDING that some misconception has arisen with respect to the appointment of Mr. E. Sandeman, as Secretary to the Municipal Commissioners of Canning, which I had the honour to communicate for the information and sanction of Government, in my letter, No. 180, of 30th December last, I now beg to explain that Mr. Sandeman engages to devote the whole of his time and attention to the service of the Commissioners.

— No. 25. —

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Honorary Secretary to the Municipal Commissioners of Canning (No. 162); dated 11 January 1864.

I AM directed to acknowledge the receipt of your letters, Nos. 180 and 186, dated 30th ultimo and 7th instant, soliciting sanction to the appointment by the Commissioners as their Secretary, on 400 rupees per mensem, of Mr. E. Sandeman, a gentleman at present employed by the East India Railway Company, and in reply to inquire what Mr. Sandeman's duties are to be, and whether he will reside in Calcutta or at Canning.

— No. 26. —

From *S. H. Robinson*, Esq., Honorary Secretary to the Municipal Commissioners for the Town of Canning, to the Officiating Secretary to the Government of Bengal (No. 194); dated 13 January 1864.

IN reply to your letter, No. 162, dated 11th instant, inquiring as to the duties of the Secretary to the Municipal Commissioners of the town of Canning (for whose appointment they solicited the sanction of Government), I have the honour to inform you that it is intended the Secretary should reside in Calcutta, and have charge of the office of the Commissioners, and, under their direction, prepare the accounts of all income and expenditure of the Municipal Funds, and conduct the correspondence with the Government, the lot-holders, the assistant engineer at Canning, and the native superintendent in charge of the Lots 54 and 50 beyond the limits of the town. He will also keep the proceedings and the minute-book, and attend to all the usual duties belonging to the office of the Secretary.

I am further directed to inform you that the Secretary will be required to visit Canning frequently, to inspect the works in progress, and report as to the proper application of the funds disbursed.

— No. 27. —

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Honorary Secretary to the Municipal Commissioners for the Town of Canning (No. 679); dated 8 February 1864.

WITH reference to your letter, No. 194, dated the 13th ultimo, and previous correspondence, relative to a proposal submitted by the Municipal Commissioners for the town of Canning for the appointment of Mr. E. Sandeman as their Secretary, on a salary of four hundred (400) rupees per mensem, I am directed to state that the Lieutenant Governor is not satisfied of the necessity for this appointment, but that he will not refuse to sanction it as a temporary measure for six months, after which the Commissioners will be able to see whether the services of a paid secretary are really required.

— No. 28. —

From *E. Sandeman*, Esq., Secretary to the Municipal Commissioners of the Town of Canning, to Officiating Secretary to the Government of Bengal (No. 208); dated 20 January 1864.

I AM instructed by the Municipal Commissioners of the town of Canning to lay before you, for the information and consideration of his Honor the Lieutenant Governor of Bengal, the following facts bearing upon the present position of their trust:—

2. It will be in the recollection of his Honor, that shortly after the Government consented to hand over the lands of Canning in fee-simple to the Commissioners, they represented to him the peculiar position in which they were placed by the absence of sufficient funds to effect those improvements which were so imperatively demanded, and they sought the permission of the Government of Bengal to the raising of a loan, 10,00,000 rupees, upon the security of the municipal property.

3. That permission was readily accorded by his Honor in August last, and tenders for the loan, to be opened on the 2d of November, were at once invited, but the Commissioners regret to say that their expectations as to the amount which would be raised were far from being realised, and they found themselves compelled to begin the operations of the present cold season with the sum of about 1,50,000 rupees only, receivable during the early part of the current year. This was a serious disappointment to the Commissioners, for they had looked forward with some confidence to this season as the time when they would be able to take active measures for the raising and draining of the site of the new town; but it is needless to remark that the funds now at their disposal are utterly inadequate for the proposed purposes.

4. The Commissioners feel it to be quite unnecessary here to adduce any arguments in support of their view, that a large expenditure is necessary upon the site of the proposed town. His Honor the Lieutenant Governor is too well aware of the condition in which this site was when handed over to the Commissioners, to render any such arguments necessary, and the Commissioners do not doubt that he is also fully sensible of the fact that the progress of Canning, either as a town or as a port, is impossible so long as its site remains, as it now is, without roads and undrained.

5. The small sum at the disposal of the Commissioners is now being devoted to these two essentials, but unless it is increased in amount, the work in hand must be brought to an early close; and as there is no hope that further money will be subscribed to the loan in the present state of the money market, the Commissioners desire to appeal to Government for its support in this emergency. They believe that there are several grounds upon which this request may be justified, but they would with some confidence submit the four following reasons for the favourable consideration of his Honor:—

1st. That it is now more than five years since the Government of Bengal sold a large number of the lots in the new town, upon the basis of a certain plan drawn up by the Government Superintending Engineer, which plan exhibited certain roads, tanks, and other conveniences for business, but that beyond throwing a bund round the place, and about 18 months ago appointing Municipal Commissioners, who are powerless for good without large funds at their disposal, the Government has done nothing towards the improvement of the property. The Commissioners respectfully submit that the sale of these lots, according to the plan exhibited by the Government, carried with it a moral if not a legal obligation to make the roads, tanks, &c., as shown thereon.

2d. That the Government is deeply interested in the success of the new town and port, not only in so far as it will tend to give increased impetus to the export and import trade of Bengal, and to open out and utilize a vast tract of hitherto unproductive country, but also as upon its success must mainly depend the success of the Calcutta and South Eastern Railway, the capital of which is guaranteed by the Supreme Government.

3d. That to obtain this first success, extensive improvements in the site of the new town are necessary, but that the draining of it and the construction of roads are absolutely essential before its progress can ever commence.

4th. That the funds at the disposal of the Commissioners are quite inadequate even to effect these two primary improvements, and that if assistance is not afforded by Government, the Commissioner is almost powerless, and must materially diminish its proposed scale of operations during the present season, which must inevitably result in the indefinite postponement of the success of the new port, and in, the Commissioners believe, the continued depression of the traffic receipts on the Calcutta and South Eastern Railway, for it is vain to expect that much shipping will visit the port while the site of the town remains in its present state.

6. The Commissioners trust that his Honor will take all these circumstances into consideration, and that he will regard them as justifying the request now preferred for Government aid ; and, while they do not venture at present to say in what manner that aid should be afforded, they would suggest, for the consideration of his Honor and the Government of India, that that Government should advance, say, 8 lacs of rupees to the Commissioners upon the security of the unissued debentures until such time as, by the returns of the normal state of the money market, and the increase of confidence in the prosperity of Canning, these debentures become saleable. The Commissioners are satisfied that that period is not distant, if an energetic effort is early made for the improvement of the place, resulting in drawing shipping to the port, and a large business to the town ; and they therefore do not doubt that his Honor the Lieutenant Governor, who has always evinced a deep interest in the success of Port Canning, will be desirous of taking some steps to enable the Commissioners to prosecute their plans with unchecked energy during this cold season. With this view, and in order that no portion of the working season may be lost, I am instructed to solicit an early expression of his Honor's views in reply.

— No. 29. —

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to Secretary to Municipal Commissioners for the Town of Canning (No. 660) ; dated 5 February 1864.

I AM directed to acknowledge the receipt of your letter, No. 208, dated the 26th ultimo, representing the inadequacy of the funds now at the disposal of the Commissioners for the requirements of the municipality, and submitting an application from the Commissioners for a loan from Government of eight lacs of rupees on the security of the unissued debentures until such time as they become saleable.

2. In reply, I am desired to state that, looking to the views previously held by the Government of India, as expressed in para. 2 of their letter, No. 2031, dated 14th May last,* and to the decided refusal with which the application for a loan of two lacs of rupees on the security of the unsold town lots was met by that Government, the Lieutenant Governor apprehends that the present application for a loan of eight lacs of rupees, on the security of unissued and hitherto unsaleable debentures, is not likely to obtain a more favourable reception.

3. With advertence, however, to para. 5 of the orders† of the Government of India, his Honor thinks that the only shape in which the assistance of the Government can be asked for with any hope of success, is as a request for the
Government

* "It is contrary to the duty of Government to lend the public money without satisfactory security, and as there is nothing in the present case that deserves to be called security, it would be a real grant of public money under the name of a loan."

† "But in thus expressing the inability of Government to sanction a large expenditure in the manner recommended by the Lieutenant Governor, I am to add, that his Honor's desire to promote the growth of Canning Town is fully appreciated, and that were a good scheme ready, and officers available for carrying it out under the orders of Government, it would be considered with every wish to render such pecuniary help as can be safely accorded by Government."

Government to undertake the construction of some specific work of a public nature connected with, and obviously calculated to promote the traffic of the port, thus to relieve the Municipal Commissioners of a portion of the expense they would otherwise have to incur for the purpose.

4. For this purpose, and to enable the Lieutenant Governor to apply to the Government of India, it is desirable that the Commissioners should submit a full and clear statement of the works they propose to undertake, of their estimated cost, and of the amount which they propose to expend upon each of them out of the money already raised by loan, and out of the eight lacs of rupees which they now desire to borrow.

5. I am therefore to request that the Commissioners will prepare such a statement, and submit it to Government as soon as practicable.

— No. 30. —

From *E. Sandeman, Esq.*, Secretary to the Municipal Commissioners for the Town of Canning, to Junior Secretary to the Government of Bengal (No. 295); dated 23 March 1864.

I AM directed by the Municipal Commissioners of the town of Canning to acknowledge the receipt of your No. 660, of the 5th ultimo, calling upon the Commissioners to submit a statement of the works they propose to undertake, and their estimated cost.

2. In reply, I am instructed to forward the enclosed statement, A., exhibiting those works which in the opinion of the Commissioners are not only of a public nature, connected with and obviously calculated to promote the traffic of the port, but are absolutely essential to the existence of the port and town, and come under the head of those which it is the duty of the Government to undertake in discharge of the obligation they incurred by the sale of building lots under a defined plan.

3. It will be observed that the Commissioners propose the ultimate construction of all the roads exactly as shown upon the annexed plan, B., prepared by Mr. Leonard under the approval of the Government of Bengal. The earth work will be thrown up to the width of 100 feet, and the metalling to a width of 80 feet; but on the Schedule, C. (of works to be undertaken in 1864-65), provision is made for the construction of the roadway to widths of 40 and 30 feet only, with metalling in proportion, as the Commissioners consider that this will be sufficient for the present. The Commissioners have not specified the particular roads which they will construct in 1864-65, because the selection of them must depend on the drainage operation which may be decided upon.

4. The drainage of the place being essential before occupation, the Commissioners were anxious to forward with this statement an estimate by Mr. Clark of the cost of the necessary works. They regret being unable to do so, but enclose copy of a letter from that gentleman, generally expressing his views upon the question, and giving the probable cost. The Commissioners are in daily expectation of receiving Mr. Clark's detailed estimate, which shall be forwarded for the information of his Honor the Lieutenant Governor.

5. A sum of 1,25,000 rupees stands in the above estimate as the cost of protecting the river bank. The frequent and serious slips which have occurred lead the Commissioners to anticipate a considerable and constant expenditure for years on this account. It is obviously impossible to form any exact estimate of what may ultimately be required for this purpose, for which large quantities of stone ballast, and probably the application of much engineering skill will be needed, but it is clear that protection is imperative.

6. Statement C. exhibits that portion of the works which it is the desire of Commissioners to undertake in 1864-65; and while they leave to the Government to decide whether provision shall be at once made for the total sum of 20,65,250 rupees, they earnestly solicit that immediate arrangements be made

to enable them to execute that portion of the works here shown for present construction.

7. The plan D. accompanying shows the earth work and metalling of roads done up to 29th February 1864, according to the explanatory note at foot thereof.

Enclosures in No. 30.

CANNING MUNICIPAL COMMISSION.

ESTIMATE of Money for Works of Improvement to be executed in the Town and Port.

Road Making:		Rs.	Rs.
Coloured Yellow	Town Boundary Road, 30 feet wide, along Mallee Khal, Mutlah, Midan, and Byddiadurly:		
	Earth work 3,135,000 cub. ft. at Rs. 13 per 1,000 cb. ft.	40,755	
	" 1,560,000 " " 5 " 1,000 "	7,800	
	Metalling 1,250,000 " " 14 " 100 "	1,75,000	2,23,555
Coloured Red	Road contained within block between road fronting Kutcherry and Strand Road:		
	Earth work 5,156,000 cub. ft. at Rs. 13 per 1,000 cb. ft.	67,028	
	Metalling 2,618,300 " " 14 " 100 "	3,66,520	4,33,548
Coloured Green	Road contained within block west of road fronting Kutcherry between Taldee Road and Byddiadurly:		
	Earth work 3,791,000 cub. ft. at Rs. 13 per 1,000 cb. ft.	49,283	
	Metalling 2,440,000 " " 14 " 100 "	3,41,600	3,90,883
Coloured Blue	Road contained within block between Taldee Road and Railway property:		
	Earth work 1,018,000 cub. ft. at Rs. 13 per 1,000 cb. ft.	13,234	
	Metalling 652,000 " " 14 " 100 "	91,290	1,04,514
Drainage:			11,52,500
As per Estimate to be furnished by W. Clark, Esq., about		- - -	6,00,000
For protection of river bank		- - -	1,25,000
			18,77,500
Contingencies, 10 per cent.		- - -	1,87,750
		Rs.	20,65,220

Of this Amount it is proposed for execution during year 1864-65:

Road making:		Rs.	Rs.
Earth work in road making, 40 feet wide, 2,500,000 cubic feet, at Rs. 13 per 1,000 cubic feet.		32,500	
Metalling in road making, 30 feet wide, 1,110,000 cubic feet, at Rs. 14 per 100 cubic feet.		1,55,400.	1,87,900
Road formed 30 feet wide, 1,850,000 cubic feet, at Rs. 13 per 1,000 cubic feet.		24,050	
Metalling formed 18 feet wide, 666,000 cubic feet, at Rs. 14 per 100 cubic feet.		93,240	1,17,290
Drainage:			
Out-fall work		- - -	2,00,000
River Bank:			
Spurs, &c.		- - -	50,000
			5,55,190
Estimated income of the Commissioners from rents, and amount realisable under the loan to end of present year 1864-65.		84,186	
Expended to date		1,85,723	
Balance		- - - Rs.	1,01,537

which the Commissioners propose to devote to the protection of the river bank, the maintenance of their establishment, and general works of improvement.

From *W. Clark, Esq.*, to Secretary to the Municipal Commissioners for the Town of Canning; dated 7 March 1864.

As requested by you at our conversation on the morning of the 5th instant, I beg to inform you that the report I am preparing for the Municipal Commissioners of Canning is not completed.

It is, I think, a matter of considerably more labour than was anticipated by the Commissioners. To furnish them with a correct plan for their guidance in regard to the drainage of the future town is pretty much the same as if the town were already in existence, and they had determined on its thorough drainage.

The blocks of land bounded by roads on the map have to be treated individually and collectively with regard to the arteries or main drains as if they were blocks of buildings surrounded by busy thoroughfares.

The calculation of the rainfall on each separate block, and their combinations for the purpose of arranging the falls and fixing the dimensions of the sewers of the future town is absolutely necessary, and this has to be done for the entire area over which the drainage may probably at some distant period be extended.

When this is done the municipal authority will be in a position to determine what portions shall be first executed.

The works can be commenced and extended precisely in accordance with the requirements and available means.

Mr. Edwin Sturmer, your engineer, has relieved me of very much of the labour of computation, and I trust, with his assistance, in a brief period to be able to complete the report.

The only time I can possibly spare for this labour from my own official duties is a few hours of night occasionally; I may, however, inform you that the complete drainage of the entire area by covered sewers will probably cost upwards of six lacs of rupees.

It, however, by no means follows that this amount should at once be expended; any portion of the sum you may decide to expend per annum can be applied to specific portions of the whole.

It may be useful to the Commissioners to state that I fully approve of the closing of the Mallee Khal; I consider that the efforts of the Commissioners will be well directed if they, as far as practicable, prevent the salt tidal water from flowing over the land in the vicinity of the town.

All such Khals should be bunded off from the river, and furnished with self-acting tide flaps; by so doing, these channels will virtually become drains.

The river water will find its way into them, and will be discharged at low water.

The effect of this will be in some degree to arrest the growth, or probably to destroy a large mass of vegetation which depends for its existence on the frequent supply of brackish water.

The cost of such valves and their fixing will not be great. I propose to connect the Mallee Khal with the South Huldee Khal by a straight excavation, so that the latter may be the outlet for the drainage of both and the town lot, also lot 50. I think its position is sufficiently remote for present purposes, and it will thus remove the scouring action of the outfall which has operated injuriously on the foreshore to a distance. It will be necessary to protect the entrance of the South Huldee Khal with tide flaps fixed in a masonry wall. The two Khals, with the excavation connecting them, will then act as reservoirs to receive the rain water, and store it till the fall of the tide, when it will be discharged into the river.

This work may, if it be deemed desirable, be commenced at once.

— No. 31. —

From *F. Schiller, Esq.*, to the Right Hon. Sir *John Lawrence, Bart.*, K.C.B., K.S.I., Viceroy and Governor General of India; dated 22 July 1864.

I SHOULD not venture to intrude upon your Excellency's time but for the importance of my subject.

I had not returned from Europe when your Excellency paid a personal visit to Port Canning, and I have had no opportunity since of conversing with you on the subject. I may assume, however, that your Excellency is fully acquainted with the history of this place, and the opinions entertained of it both by Sir Frederick Halliday and Mr. Beadon.

Since 1856 Mr. Borradaile and myself have devoted what little influence we possess in furthering the objects for which the river Mutlah was opened to trade, and if results have been short of our expectation, and of the expectations of the public generally, it is owing to circumstances over which we had little or no control. The future will, perhaps, show that a useful and desirable undertaking has seldom met with so much selfish opposition as the scheme of making "Canning" an auxiliary port to Calcutta. But, far from abandoning, "disheartened," what I have once undertaken, I feel now more certain than

ever of ultimate success, and all I ask is reasonable support on the part of Government, who after all must be looked upon as the party most interested.

The Calcutta and South Eastern Railway, projected and formed for the sole object of connecting Calcutta with Port Canning, can never pay more than working expenses so long as Canning remains a myth, and the State must continue to lose annually upwards of 20,000 *l.* on account of railway interest. But, independent of this loss, it would appear that Government, when selling in 1857 building sites in its future town of Canning, came under something more than an implied promise to see the works carried out, without which no town can ever be, and the subsequent nomination of Municipal Commissioners can scarcely be considered as having freed Government from the moral, I may even say the legal, obligation to complete the most necessary "Public Works" at Canning.

To be brief, I beg to submit for your Excellency's consideration—

1st. That Canning can never be a habitable place until the land is raised and good drainage obtained.

2d. That until Canning is habitable it cannot become an auxiliary port; for, notwithstanding its railway communication, so many disadvantages would still remain that there would be no inducement to divert the trade from where it is at present.

3d. That money is required almost immediately to carry into effect the most urgent of these works; and

4th. That this money must either be given by the State or by private enterprise.

The question therefore arises, Will Government give the required funds, or make over to private enterprise the development of the new port upon such terms as may be sufficiently tempting to secure money from the public? I have occupied myself much with these questions, and finding in many quarters opposition, or at least lukewarmness, with reference to the whole undertaking, I some time ago placed my views before Sir C. Trevelyan, and pointed out what I considered the alternative. To this letter (dated 11th April 1864) I have not been favoured with any reply, and although I may assume that Sir Charles Trevelyan has not lost sight of it, I began to feel that another valuable cold season may be lost, and, at the risk of being considered importunate, I take the liberty of addressing your Excellency.

Should the State decline all support, and refuse the money demanded for "Public Works" at Port Canning, I repeat my suggestion that private enterprise be allowed to step in at once upon such terms of encouragement as will secure the necessary funds. After the great success of the various Bombay Land Investment Companies, I have no hesitation in saying that, to the best of my belief, funds could be secured for the purpose if Government were to abandon the property, now held in trust by the Commission, in favour of a company which would undertake the building of Port Canning, and free the State of all further obligation in respect thereof. Should it be considered desirable, the Municipality of Canuing might participate in the ultimate profits of this company.

I will say no more, but leave the case in your Excellency's hands, convinced that it will receive all the attention it deserves.

— No. 32. —

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Secretary to the Municipal Commissioners for the Town of Canning, No. 2126 T.; dated Darjeeling, 9 August 1864.

WITH reference to your letter, No. 295, dated the 23d March last, I am directed to forward herewith a copy of the papers noted in the margin. The Municipal Commissioners will perceive from the letter from the Government of India, in the Public Works Department, the terms on which the loan of 4½ lacs of rupees will be sanctioned by the Supreme Government.

Letter to the Secretary to the Government of India, Home Department, No. 1725, dated 5 April 1864.
Letter from Secretary, Government of Bengal, Public Works Department, dated 14th ultimo.

Enclosures in No. 32.

From *F. R. Cocherell*, Esq., Officiating Secretary to the Government of Bengal, to Secretary to the Government of India, Home Department (No. 1725); dated 5 April 1864.

I AM directed to forward, for the early and favourable consideration of the Government of India, the accompanying copy of papers noted on the margin, relative to an application from the Municipal Commissioners for the town of Canning for a Loan from Government, to enable them to undertake such works as are considered by them essential to the existence of the port and town.

From Municipal Commissioners, Canning, No. 208, dated 29 January 1864.
To Municipal Commissioners, Canning, No. 660, dated 5 February 1864.
From Municipal Commissioners, Canning, No. 295, dated 23 March 1864, with enclosures.

2. Although the Lieutenant Governor cannot agree with the Municipal Commissioners in thinking that the Government, by selling building lots in the town of Canning under a defined plan, has incurred any special obligation to undertake even such works as are essential to the existence of the port and town, or that the Municipality have any right to look to the Government for assistance in carrying out these works, the Lieutenant Governor is very clearly of opinion that the Government has a deep interest in the success of the port, not only as affording the only possible means of liquidating the guaranteed interest on the Calcutta and South Eastern Railway, but for the much more cogent reasons that the necessity for a port on the Mutlah, auxiliary to Calcutta, is becoming more and more apparent, and that, as an outlet for the produce of Eastern Bengal at all seasons, and for that of the Upper Provinces during some months of each year, the Mutlah is a far more convenient and cheaper port than the Hooghly, besides being considerably less dangerous.

3. It should be borne in mind that the Government has already incurred a large expense in public works at Canning, and that it has charged itself with the heavy annual cost of the port establishment, and with still heavier payments on account of guaranteed interest on the capital of the railway, for none of which does it receive any present return.

4. It should also be remembered that the Government has given up, in favour of the Municipality, all its revenues from the Sunderbuns, Lots Nos. 54 and 50, and all its proprietary interests in such lots, and that it may now fairly look to the Municipality, and to those who are interested in the trade of the port, to bear their share of the burden, and to make the exertions necessary to promote the success of the undertaking. The Government may, no doubt, be reasonably expected, for the sake of the public and of the country at large, to give what further encouragement and assistance it can to the new town and port, but it owes nothing whatever to local interests.

5. Taking, however, a wider view of the obligations of the Government than that in which they are regarded by the Municipal Commissioners, the Lieutenant Governor thinks the case is clearly one in which the Government would do wisely to respond to the application of the Commissioners in a liberal spirit.

6. The success of the Port of Mutlah is certainly of vital importance to the commerce of Bengal, and it is the only condition upon which the Government can hope to be in any degree reimbursed for the interest it has to pay on the guaranteed capital of the railway. The Municipal Commissioners have shown a practical determination to promote this success, and have done so, as far as lay in their power, by raising money on the security of the town lands, and expending it judiciously and well. It cannot be doubted that, but for the unfavourable state of the money market during the last few months, they would have been able to do more.

7. In the present season, notwithstanding the absolute want of proper facilities for landing, shipping, and storing cargo at the port, and for the comfort and convenience of officers and crews, and of others resorting to the place, 11 ships have entered, with total burden of 6,900 tons, bringing cargoes (chiefly salt) valued at 1,05,600 rupees, and yielding an import duty of 3,30,600 rupees, while six of these have cleared out with full export cargoes, valued at 2,48,000 rupees, and yielding a duty to the amount of 11,080 rupees. There can be little doubt, and indeed the information which the Lieutenant Governor receives from various quarters leads him confidently to believe, that if such facilities were afforded, even in a moderate degree, the number of vessels resorting to the Mutlah in preference to the Hooghly would at once largely increase. But there can be no such facilities till the river bank is properly protected, till tanks are dug, and till warehouses and other buildings are erected: and these again cannot be erected till the streets adjoining the river are metalled, and the sites properly raised and drained. For these objects, money is immediately required, not to the full extent mentioned in the Commissioners' estimate, but to the amount indicated in Schedule C., attached to their Secretary's letter, namely, in round numbers, five and a half lakhs of rupees; of this the Commissioners can provide one lakh, and they therefore require four and a half lakhs to complete the season's expenditure.

8. The Secretary of State, in his Despatch in the Public Works Department, No. 50, dated the 31st December last, has truly observed, that it is obviously for the interest of the Government that a town should spring up at the terminus of the railway, and has expressed his readiness to consider any proposals that the Governor General in Council may make with the view of promoting its growth.

9. The Lieutenant Governor recommends, therefore, that money be advanced by the Government to the Municipal Commissioners, as required, to a limit of four and a half lakhs of rupees at five per cent. interest, on the security of the town revenues as now existing, and hereafter to be raised in the event of the success of the port. The Lieutenant Governor would recommend that the amount be advanced on regular estimates of work, to be approved by the responsible officers of the Public Works Department, and executed under their general supervision, and that the works be limited to the improvement of the river bank, the digging of tanks, the construction and metalling of roads, and the drainage of the town within 300 yards of the river.

10. That some risk will be run is undoubted, but it is a risk which, as it appears to the Lieutenant Governor, the Government is fully justified in incurring, if not bound to incur, for a public object of so much importance and such fair promise. A sum of 45,000 l., even if neither the principal nor the interest should ever be recovered, is not too much to assign from the public funds for such a purpose, while, if given in the form of a loan, it marks more clearly the responsibility of the local administration and affords an inducement to economy and exertion, which would be wanting if the money were given outright for any special purpose connected with the port.

11. If the loan of this money be granted, it should be on the clear understanding that the Government will expend no more public money on the town, and that no further assistance of this kind is to be looked for. The amount asked for is quite sufficient to enable the Municipal Commissioners to proceed so far with the improvements as to meet the most urgent requirements of the town and port, and to show conclusively whether the present promise of their success is likely to be realised. If the result be favourable, the Commissioners will have no difficulty in obtaining from the public, on reasonable terms, such further support as they may require, and if not, it will prove that the undertaking does not justify further expenditure.

12. With these remarks, the Lieutenant Governor desires to recommend the application of the Municipal Commissioners most strongly to the Government of India, and considering the great urgency of the case, and the extreme importance of not allowing another season to pass without vigorously prosecuting the works designed, to propose that provision be made for the grant of a sum not exceeding 4½ lakhs of rupees by way of loan during the next financial year, on the terms and conditions above stated.

From Colonel *R. Strachey*, R.E., Secretary to the Government of India, Public Works Department, to the Secretary to the Government of Bengal, Public Works Department (No. 486 C.—3199); dated Simla, 14 July 1864.

I AM directed to acknowledge the receipt of your letter, No. 1725, dated the 5th April 1864, addressed to the Secretary to the Government of India in the Home Department, forwarding for consideration papers relative to an application from the Municipal Commissioners for the town of Canning for a loan from Government, to enable them to undertake such works as are considered by them essential to the existence of the port and town; and in reply to communicate the following observations:—

2. It is observed that the outlay which the Municipal Commissioners consider necessary is as follows: 11,52,500 rupees on certain roads, four in number; 6,00,000 rupees on drainage; 1,25,000 rupees on protection of the river bank; and contingencies, 1,87,750 rupees; making a total of 20,15,220 rupees. Of this sum, however, they propose to spend only 5,55,190 rupees during the current financial year, viz., 2,00,000 rupees on drainage, 50,000 rupees on the river bank, and the rest on roads. To meet this expenditure they have one lakh in hand.

3. In your letter under reply it is proposed that the balance of the sum required for the estimated expenditure of the year, 4½ lakhs, should be lent to the Commissioners on the security of the town and port revenues, as now existing and hereafter to be raised, on the following conditions: 1st, that the Government will expend no more public money on the town; 2d, that no further assistance of this kind is to be looked for; and 3d, that the estimates for the works shall be approved by the Public Works officers of Government, and that they shall be carried out under their general supervision, the works being restricted to certain items named.

4. The Governor General in Council concurs in the general views and proposals of the Lieutenant Governor. The Government is deeply involved in the success of the new port, inasmuch as (irrespective of other more general considerations) the guarantee on the capital of the Calcutta and South Eastern Railway can only be covered by a traffic that

that will make that line remunerative, and such a traffic could hardly come into existence except as a result of the success, in a greater or less degree, of the port. The Government has the strong assurance of the Projectors* of the town and port, that a little Government help will enable them to do all that is wanted to meet its essential requirements, and the Governor General in Council is disposed to give them a limited amount of assistance, subject to the conditions named by the Lieutenant Governor, and the further stipulation that they themselves at the same time show that they and their project so far possess the confidence of the mercantile community and the public as to enable them to raise the further sum which is now represented to be essential. On these grounds it has been recommended to Her Majesty's Government to contribute the sum named by the Lieutenant Governor, viz., 4½ lakhs, on the security named, but on the condition that the Municipality will simultaneously raise 15½ lakhs, the remainder of the 20 lakhs said to be required. It will be left to the Government of Bengal to take the necessary steps for ascertaining that the 15½ lakhs have been subscribed and paid up by the public, and thereupon the Government of India will make up the amount to 20 lakhs, by a grant of 4½ lakhs by way of loan, on the terms named by the Lieutenant Governor.

* *Vide Messrs. Borradale and Company's letter of 4th December 1863.*

5. I am to add, that the Governor General in Council is distinctly of opinion that it should henceforth rest with the mercantile community to give proof of their belief in the value of the port as an auxiliary to Calcutta, by embarking their own capital in the works needed by the settlement. The Government of India has already done as much as can properly be expected of it, and the projectors must be made finally to understand that no further Government aid can be given for the purposes of the port and town of Canning.

6. In conclusion, I am to add that the actual disbursement of any grant must depend upon the proposal which has been made being sanctioned by Her Majesty's Government.

— No. 33. —

From Colonel *R. Strachey*, R.E., Secretary to the Government of India, Public Works Department, to *F. Schiller*, Esq. (No. ⁶²¹/₃₇₈₂ C.); dated Simla, 10 August 1864.

I AM directed to acknowledge the receipt of your letter, No. 31, dated the 22d July 1864, to the address of his Excellency the Governor General, on the subject of the improvement of the town and port of Canning.

2. In reply, I am directed to state that the Municipal Commissioners for the town lately applied to the Government for a loan to enable them to carry out these objects, and the Government of Bengal has been informed of the terms upon which his Excellency in Council was disposed to grant such a loan. The Lieutenant Governor has no doubt communicated with the Commissioners upon the subject. If, on consideration, you think these offers insufficient, any further proposals you may wish to make should be submitted in a definite shape to the Lieutenant Governor of Bengal, under whom all such matters are properly placed.

— No. 34. —

From *F. Schiller*, Esq., Vice Chairman of the Municipal Commissioners of Port Canning, to the Secretary to the Government of Bengal; dated 30 August 1864.

THE Municipal Commissioners for the town of Canning have to acknowledge receipt of your letter, dated August 9, with its enclosures, and regret to see that the terms upon which his Excellency in Council is pleased to grant further aid to them for completing the most necessary public works at Canning are equivalent to a refusal.

The Municipal Commissioners feel that, after the unsuccessful attempt last year of raising a loan upon the security of their property to the extent of 10 lakhs of rupees (a little above two lakhs only having been subscribed up to date), it would be useless to attempt to raise 15 lakhs now upon precisely the same security, as nothing has occurred since to make the general public more willing to subscribe to such a loan; on the contrary, the same causes that have acted against the investments of this nature, namely, dear money all over the world,

are still in full force, and the parties interested in Canning property have already responded to an extent which shows clearly that they have lost neither courage nor confidence in the scheme.

It is also evident to the Commissioners, that unless Government shows some very decided interest in, and contributes liberally towards, the formation of the port and town, the mercantile community will not be inclined to invest further in it.

His Honor the Lieutenant Governor is aware that the private individuals who have interested themselves in the scheme assert emphatically that they invested their money in it confidently relying that the Government had undertaken to execute at its own expense the works which were necessary for the establishment of the port and town, such as the protection of the river bank, the drainage of the ground shown in the map as the town lots, and the construction of the public tanks and streets. They go to the length of holding that the liability of Government to execute these works could be legally enforced. Be that as it may, the Commissioners do not doubt that the lots were purchased and the money invested under the *bond fide* impression that the Government looked upon the establishment of the port and town as its own scheme, by which the crying want of port accommodation at Calcutta was to be supplied; and they do not believe that money would have been invested as it has been done if the impression had existed that the scheme was to be thrown over by Government, and treated as the favourite project of a few speculators, before half the works have been effected which are absolutely essential to make the place habitable all through the year.

Those personally interested in the scheme rely on the various Minutes of Government with reference to Port Canning which have been passed since 1853, and would draw particular attention to a Minute by Sir J. P. Grant, dated 28 May 1859, in which he says:—

“Considering the difficulty of obtaining a large supply of labour on the spot, and the uncertainty which existed until the other day, when the railway was guaranteed, as to the ultimate prospects of the intended port, though the work done on shore was not much, I do not know that there is much reason to complain of it. But the case is very different now that the railway has been not only guaranteed but actually commenced. Every exertion must now be made by the officers of the Public Works Department to have all that Government has to do in the way of preparatory arrangement completed by the time when the railway is expected to be opened, which I believe may be calculated at two years hence.”

In the same Minute, alluding to the supply of water, Sir J. P. Grant says:—

“It seems to me that the first point to be attended to is the provision of fresh water. There is an idea of laying down water-pipes along the railway from Calcutta to the new fort: I believe that nothing short of such a project will suffice to supply the shipping. But in the meantime, a provision of fresh-water tanks, such as is requisite in every Soonderbun lot, is a matter of necessity. It is most essential that no more time should be lost in making so much of this provision as it may be resolved it is incumbent on Government to make in the shape of public tanks, for it takes years to sweeten the water of a new tank. In such a spot, where the whole surface of the country is awash at high water in spring tides, tanks cannot be too large or too many, as the soil excavated is the only means by which the sites of the houses can be raised above the water-line. I wish Mr. Leonard, to whom I have spoken on the subject, to commence as soon as possible next dry season the excavation of a large oblong tank in the centre of the plot reserved for the Custom-house and Marine buildings, the earth to be spread over the whole surface of the plot. At the same time the other public tanks planned may be commenced upon as labour is available. I would increase the size of the tanks that are to form the centres of the squares from 200 to 300 feet. I should be glad to know if a steam pump, whereby the contents of the tanks could be changed oftener than once a year, and thereby the sweetening of the water could be sooner effected, would not be usefully employed here.”

Again, in referring to the protection of the site, Sir J. P. Grant says:—“An early object should be the securing of the site of the town against an irruption of salt water during a cyclone. I beg for a well-considered report on the vertical height and sectional area of an embankment which shall give the requisite

quisite security against such a calamity, so far as scientific and historical inquiry may enable us to form a judgment."

His Honor the present Lieutenant Governor is fully aware how much remains to be done to complete the works here contemplated; and turning from the interest of those who have entered into the scheme, to the interests of the public in general, if the Commissioners refrain from pressing on the Lieutenant Governor the absolute necessity of providing accommodation for the surplus shipping of Calcutta, it is because they are aware that his Honor already feels that necessity as strongly as it deserves.

The funds at the Commissioners' disposal are utterly inadequate to the works before them, and the fact that Government is already deeply interested in the success of the port of Canning, by having incurred large expenses in public works, and charged themselves with the heavy annual cost of the port establishment, and with the still heavier payment on account of the railway, are only, in the opinion of the Commissioners, additional reasons why the aid demanded by them should be given.

The protection of the river bank is of such paramount importance that not a moment should be lost in securing it. Upon it depend the safety of the site of the future town, the safety of the railway works, and the very existence of the port as now planned.

The Commissioners, in conclusion, would only remark that while they have made every exertion to push forward the interests of Canning, they cannot hold themselves responsible for the success of Canning, or for the consequences that may follow the policy adopted by the Government.

It must be clearly understood that while they continue to act cheerfully as Commissioners for the port of Canning, they protest against a policy which more than jeopardises a large property, in which Government are deeply interested, and in which the public have been induced to invest.

— No. 35. —

FROM *H. A. Cockerell*, Esq., Chairman of the Municipal Commissioners for the Town of Canning, to the Secretary to the Government of Bengal, dated 3 January 1865.

I HAVE the honour to submit the accompanying papers for the consideration and orders of his Honor the Lieutenant Governor.

2. Enclosures (A.) and (B.) contain the concessions originally demanded by Mr. Schiller. (C.) is a draft of the proposed concessions to that gentleman, as modified by the sub-committee appointed to consider the scheme. The report of the sub-committee was approved of at the last general meeting of the Municipal Commissioners, and agreed to by Mr. Schiller; and, in accordance with the resolution then passed, I now submit the papers to Government, with a strong recommendation for favourable consideration.

3. The importance of Port Canning as auxiliary to that of Calcutta, is now generally acknowledged both by the Government and the commercial community of Calcutta; but a difference of opinion exists as to where the capital is to come from to carry out works of primary necessity to the very existence of the town. Canning without drainage, with but few roads, with imperfect means of communication, without jetties and other landing facilities, is not in a position to attract shipping to the port, or an expenditure of capital on the town.

4. The Commissioners have endeavoured, by opening a loan, to raise capital to carry out works of the most urgent importance, but, owing to various causes, have failed in obtaining the amount they required. An application for assistance has been made to the Government of Bengal, but the conditions imposed by the Government of India, in Colonel Strachey's letter of the 14th July 1864, virtually debar the municipality from the aid offered.

5. Mr. Schiller, the Vice Chairman of the Municipality, whose interest in Fort Canning is known to the Government of Bengal, has now come forward,

and offered, on certain conditions, to carry out extensive works, of the utmost utility to the port, and, in addition, to subscribe a considerable sum to the Municipal Loan. The conditions agreed on between this gentleman and the Commissioners are stated at length in the enclosed draft, and cannot, in the opinion of the Commissioners, be considered otherwise than favourable to the municipality. The Commissioners mortgage two remote sources of income, in the development of which it is not probable that they would be able to expend any considerable amount of capital for some years to come; but in return for these concessions they obtain an immediate subscription of 25,000 £. to the Municipal Loan, and the prospect of sharing in the profit of the undertakings executed by Mr. Schiller, when the returns exceed a certain per-centage on the capital expended. The Commissioners have reserved to themselves the right of re-purchasing the works after the lapse of the terms for which the concessions are granted.

6. The execution of such works as those proposed by Mr. Schiller will tend to an enhancement in value of the landed property in the town, and will enable the Commissioners hereafter to levy, with advantage, the taxes they are empowered to impose under the District Municipal Improvement Act, No. III. of 1864.

7. A map is annexed, showing the position of the 100 acres of land which it is proposed to make over in freehold to Mr. Schiller.

8. In conclusion, I beg to urge strongly on the Government the acceptance of the proposed concessions, as offering the only means of carrying out certain great public works of the most immediate necessity, and of relieving the municipality of a heavy expenditure, which their funds are quite inadequate to meet: whilst, at the same time, they place at the disposal of the municipality for those works, the execution of which more immediately devolves on it, a considerable sum of money, which it is not likely to obtain from any other source. I have no doubt that the execution of such works as those proposed by a powerful joint stock company will not fail to attract capital to the town, and whilst, I hope, giving a fair profit to those interested in the scheme, will tend to increase the prosperity of Canning, to foster a rising port, and, by so doing, prove of the utmost importance to the daily increasing commerce of the whole of Lower Bengal.

9. I am requested by Mr. Schiller to state that he respectfully solicits that the Government will take the matter into early consideration, as it is of considerable importance to him that the scheme should be brought forward as soon as possible.

10. To avoid delay, I have addressed you direct. A copy of this letter, with enclosure, will be sent to the Commissioners.

Enclosures in No. 35.

(A.)

From *F. Schiller, Esq.*, to the Chairman of the Municipal Commissioners for the Port of Canning, dated 17 November 1864.

I INTEND to form, at an early date, a Company for the purpose of carrying out certain public works in connection with Port Canning, which will materially promote its speedy development, and I now therefore beg to solicit the following concessions on the part of the municipality:—

1. The gift, in freehold, of 100 acres of ground in the centre of the town.
2. The exclusive right of constructing tramways in such directions as may be wanted by the municipality from time to time.
3. The conservancy of the river bank facing the Mutlah-strand road, with rights and powers to provide landing accommodation, and to levy such taxes in connection therewith as may be sanctioned by the municipality as fair and equitable.

In consideration of these concessions, I engage to excavate a dock on the land given to me, for the reception of country boats, 2,500 ft. × 200 ft. in width, and 10 feet deep. I further engage to subscribe 25,000 £. to the Municipal Debenture Loan, at 15 per cent. discount, the rate at which it is still open for public subscription, but upon the condition that it be closed for the present.

I need

I need not point out to you and my brother Commissioners the material benefits which will be derived by the municipality from these works, nor that their execution will materially tend to enhance the value of the whole property belonging to them. The above concessions are of course subject to my ability to carry out the proposed works.

(B)

From *F. Schiller, Esq.*, to the Chairman of the Municipal Commissioners for the Town of Canning, dated 13 December 1864.

IN my letter of 17th ultimo, I applied for certain concessions, which, on sound consideration, I propose to modify as follows:—

1. That the right of constructing wharves and jetties, as well as tramway communication throughout the Town and Port of Canning, be confined to a period of 50 years.

2. That the revenue arising from these works be divided as follows:—viz., after allowing a fair and equitable charge for maintenance and interest upon the capital invested at the rate of 8 per cent. per annum, the surplus profits to be divided between the constructors of works and the municipality, in the proportion of two-thirds and one-third.

3. At the expiration of the 50 years, the municipality to have the right of purchasing the works in question at *cost price*, and thereby cancelling the above concession.

4. The right of constructing, landing, and shipping facilities to include the full and free use of the river bank between the Strand-road and low-water mark, and the erection thereon of open store-sheds.

5. The municipality to fix beforehand the points to be reserved for passenger ghauts.

6. No works be undertaken without the approval of the municipality, and the municipality, on the other hand, to have no right of demanding that any particular work be carried out which does not promise a return of at least 10 per cent. upon the capital invested.

7. The municipality to have the right of fixing the minimum charge to be levied on the shipping (one shilling per ton) every ten years, but on such scale that the return on the capital invested therein shall not be less than 10 per cent. per annum.

8. That the construction of the tramways be confined, in the first instance, to those connecting the shipping with the most important centres of trade in the town; fair and equitable rates to be charged for the use of these, but such rates not to be less than what will give an equivalent of 5 per cent. per annum net upon the capital invested. The working of the tramways to be entirely in the hands of the contractors or their assignees.

That should the present concessionaire or his assignees refuse to undertake the construction of any such lines, the municipality to have the right of having the same executed by any party whom they may see fit. Provided always, That should any person other than the concessionaire or his assignees be appointed to carry out such works, no higher or other terms shall be offered or given to them than those originally offered to the present concessionaire.

That 100 acres of ground in the town be granted as a freehold in perpetuity, as shown upon the accompanying plan. The other terms to remain as specified in my letter of 17th ultimo, and the present offer to continue in force conditionally for a period of six months.

A legal document embodying all these concessions to be granted to me as soon as 50,000 *l.* are paid into the bankers of the concessionaire or his assignee for the above purpose; over and above the sum of 25,000 *l.* to be subscribed to the Municipal Debenture Loan.

(C.)

DRAFT proposed Concessions to Mr. Schiller, as Modified by Sub-Committee.

1. The gift in freehold of 100 acres of the Commissioners' property situated in the centre of the town.

2. The concessionaire or his assignees, in consideration of these concessions to engage to excavate within a period of two years from the date of these presents, a dock on the said land for the reception of the country boats, not less than 2,500 feet by 200 feet in width, and 10 feet in depth.

3. The Commissioners to grant to the concessionaire or his assignees for 50 years the exclusive right of constructing tramways in such direction as may be required by the municipality under the following conditions, namely:—

No tramway to be placed on any line of road without the consent of the Commissioners. Should the concessionaire or his assignees, when called upon, refuse to undertake any line of tramway, the Commissioners to have authority to give the execution of the work to any other person or persons on terms not more favourable than those refused by the concessionaire or his assignees.

That the rates to be charged for passengers or traffic on tramways constructed by the concessionaire on his assignees under the above terms, be fixed from time to time by the Commissioners in concert with the concessionaire or his assignees. The rates to be so

fixed as not to give less than 5 per cent. per annum on the capital invested (the Commissioners, be it well understood, not guaranteeing any profits). Whenever the profits accruing from the above tramway, after allowing a fair and equitable charge for maintenance (to be fixed, if necessary, by arbitration as hereinafter provided), shall exceed a return of 8 per cent. on the capital invested, the surplus to be divided between the Commissioners and the concessionaire or his assignees, in the proportion of one-third to the former, and two-thirds to the latter. At the expiration of 50 years, the municipality to have the right of purchasing the materials, stock, and machinery of the above tramway, at the cost at which the said works, machinery, and stock might be replaced, provided such value be not less than the proved original cost of the works, stock, and machinery then in existence, to be decided, in case of dispute, by arbitration, as hereinafter provided.

The concessionaire or his assignees to have no right, under the above concessions, to obstruct or impede the ordinary traffic on the roads of the municipality.

No locomotive engine to be used on any of the above tramways without the sanction of the Commissioners.

The Commissioners to have the power to fix what portion of the road shall be occupied by the tramway.

The concessionaire or his assignees bind themselves to undertake for 50 years the conservation and protection of the river bank along the entire length of the Commissioners' property facing the Mutlah River, guaranteeing an equal width of foreshore with that existing at the time of concession, in consideration of which the Commissioners grant to the concessionaire or his assignees the right of constructing wharves, jetties, and such landing and shipping facilities as may be determined on by the concessionaire or his assignees under sanction of the Municipal Commissioners. The above concessions not to be considered to apply to the right of the Calcutta and South Eastern Railway Company to make such use of their present jetties and landing facilities as they may think proper.

No work to be undertaken by the concessionaire or his assignees without the approval of the Commissioners.

The Commissioners to have the right of fixing from time to time the maximum charges to be levied on all goods passing over the foreshore, jetties, and wharves of the concessionaire or his assignees.

The Commissioners to have the right of fixing what places along the foreshore, and what breadth of land shall be reserved for public landing and bathing ghauts, such ghauts to be public highways, exempt from all toll by the concessionaire or his assignees, but not to be used as a ghaut for landing goods, merchandize, &c.

Whenever the profits accruing from the above works, after allowing fair and equitable charge for maintenance (to be fixed, if necessary, by arbitration, as hereinafter provided), shall exceed a return of 10 per cent. upon the capital invested, the surplus to be divided between the Commissioners and the concessionaire or his assignees, in the proportion of one-third to the former and two-thirds to the latter.

At the expiration of 50 years, the municipality to have the right of purchasing the completed works and their appurtenances, at the cost at which the said works, machinery, and stock might be replaced and reconstructed, such value being not less than the proved original cost of the works, stock, and machinery then in existence, to be decided, in case of dispute, by arbitration, as hereinafter provided for. But should the Commissioners, at the expiry of the said period of 50 years, not be prepared to purchase from the concessionaire or his assignee, as aforesaid, then the concessionaire to be entitled to an extension of the term for 25 years more, on the condition of these presents.

The concessionaire or his assignees engage to subscribe, on the receipt of the document granting these concessions, or within three months from that date, 25,000 *l.* to the Municipal Debenture Loan, at 15 per cent. discount, on the condition that it be closed at present.

The concessionaire or his assignees also undertake to pay 50,000 *l.* into his or their banker, previous to the receipt of the legal document embodying these concessions.

Lastly, the Commissioners and the concessionaire or his assignees mutually consent, in the event of any dispute arising as to the interpretation or settlement of the foregoing agreement, or any portion thereof, to refer the same to the decision of two arbitrators, to be chosen by the said parties hereto, and in the event of their not agreeing, then the Government of Bengal to be solicited to appoint a third arbitrator or referee, whose decision shall be final.

— No. 36. —

From the Hon. *A. Eden*, Secretary to the Government of Bengal, to the Chairman of the Municipal Commissioners for the Town of Canning (No. 122); dated 10 January 1865.

I AM directed to acknowledge the receipt of your letter of the 3d instant, and in reply to state that the Lieutenant Governor approves of the Commissioners accepting the proposals of Mr. Schiller, as explained in the Draft of Concessions marked (C), submitted by you.

2. His

2. His Honor thinks that this scheme affords a fair and reasonable prospect of the Port of Canning being placed at once in a satisfactory condition, and that it gets over the difficulties as to funds for the public works necessary to the establishment of the port, which have hitherto retarded its progress, and the Lieutenant Governor sees no other prospect at present of doing what is requisite.

3. The concessions which the Commissioners propose to make seem altogether unobjectionable, and not in any way incommensurate with the benefits which the Commissioners will derive in return.

4. It will be necessary to provide that if the docks and other works are not completed within two years, or such further period as may be allowed in extension by the Commissioners, or if at any time the land is diverted to purposes other than those for which it is granted, it shall lapse to the Commissioners.]

5. When the Commissioners' right to re-purchase the docks comes to be considered, the value of the land on which the docks are situated should be omitted from the account.

— IV. —

COPIES of CORRESPONDENCE between Parties in *England* and the Secretary of State for *India*, relative to the Development of the Port of *Canning*.

— No. 1. —

Messrs. *Borradaile & Schiller* to Sir *Charles Wood*, Bart., G. C. B.

Sir,

4, Cullum-street, London, 4 December 1863.

IN the recent interview with which you favoured us, we had an opportunity of explaining the position and requirements of the new port on the Mutlah, and we now beg to submit a statement to you on the subject.

In the years 1856 and 1857, Messrs. Borradaile & Co. and others despatched several experimental cargoes from the Mutlah, and the Government of India determined to make arrangements for establishing an auxiliary port on that river, to relieve that of Calcutta, which was found to be inadequate for the accommodation of its increasing traffic. As a preliminary measure, it was determined to lay down a railroad between Calcutta and that river, a distance of 29 miles; and this rail was, after some delay, guaranteed by Lord Stanley. It was opened throughout for traffic on the 15th of May last.

In 1856, when the rail was suggested by the Government of India, the site of the proposed town and port, Lot 54, was a dense jungle, inhabited only by tigers, although cultivation had already commenced on the neighbouring grants. With the view of establishing the port, Lord Dalhousie purchased the lot, and placed it in the hands of the Government of Bengal. Within three years, about 6,000 acres were reclaimed, and let for cultivation on short leases, and enclosed by an embankment to prevent the inundation of the land which had been cleared, and this embankment has since been maintained at the public expense.

During the Government of Sir F. Halliday, a map of the new town and port was prepared, and the building lots laid out, upwards of 100 of which were

disposed of on condition that the purchasers should expend a sum of from 250 *l.* to 500 *l.* on each lot within five years. This period was afterwards extended to seven years, in consequence of the slow progress made on the Government works.

On Sir John Grant's assuming the Government of Bengal, all the arrangements which were in progress for the establishment of the port were gradually discontinued. No roads were constructed. Of the large tanks which had been laid down on the map when the lots were sold, only a few were excavated, and no effort was made to drain the land efficiently, to make the necessary roads, or raise the sites of the town.

Mr. Beadon, on taking over the government, found that the port and town only existed on paper, and that nothing had been done to render them habitable, or the sites accessible to the lot-holders, to whom barely two years now remain to carry out their engagement in respect to building. When the rail was opened on the 15th of May last, it terminated in what was still little better than a swamp.

Mr. Beadon made a vigorous effort to remedy these neglects. He appointed provisional commissioners for the town of Canning, and made over to them the fee-simple of the land on which it was to be erected, to the extent of 6,000 acres, and authorised that body to raise a sum of 10 lacs of rupees by debentures on the security of these lands, to be expended on the works necessary for the establishment of the town, drains, roads and tanks.

From the accounts which have been received from Calcutta, however, there is reason to apprehend that the offer of these debentures to the public will be but partially responded to, and that the sum which may be raised will be utterly inadequate to the exigency. Meanwhile, time presses, and unless these appliances can be completed during the present season, another twelvemonth will be lost to progress.

There will be no resort of vessels or native boats, without suitable accommodation. The drainage of the town and neighbourhood is no less essential on the ground of health, than it is to enable private enterprise, which is now awaiting the action of the Government in this respect, to commence the erection of warehouses and other buildings essential to the trade of the port. We would here add that the erection of a jetty on the Bydyadurree, and the formation of a tramway of not more than two miles, however rude, is essential to attract to the railway the immense traffic passing that side of the town on its way, by a tedious canal navigation, to Calcutta, and a very small proportion of which made available to the line would insure a handsome traffic return.

Independently, however, of the importance of turning the large capital expended on the rail, to account, there is the imperial consideration of creating an auxiliary port, which Lord Dalhousie and Lord Canning, Sir Frederick Halliday and Mr. Beadon, have regarded as indispensable to the external trade of the Presidency, and to which alone all the exertions of the last five years have been directed. This question becomes daily more pressing, from the increasing difficulties of navigating the Hooghly, as described in the alarming Report of the River Surveyor of the 1st June last, printed extract of which is enclosed.

Under these circumstances we offered the suggestion that the Government in India should make advances to the limit of the debentures which have not been taken up, to be repaid on the sale of them.

It cannot be questioned that, as soon as the port is made available for shipping, these debentures will be in great request, and bear a premium. And it is far from improbable that, as soon as it becomes known that the Government is ready to make the necessary advances, the mercantile community in Calcutta will at once be induced to come forward and take them, and thus render any actual payment unnecessary.

Of the future popularity and prosperity of the port, as soon as resort to it is facilitated, there can be no doubt whatever. If only one-tenth of the vessels which annually visit Calcutta can be once attracted to it, every expense which has been incurred in the construction of the port and the rail will be speedily reimbursed.

We would therefore venture to submit for your consideration, that a communication be sent to the Government of India intimating the interest felt by the

the Home authorities in the early development of this auxiliary to commerce, and drawing the attention of the Governor of Bengal to the subject, with the assurance that, if the present suggestion should meet with his concurrence, the Secretary of State will be prepared to sanction the necessary advance.

To the Right Honourable
Sir Charles Wood, Bart., G. C. B., M. P.
&c. &c. &c.
India Office, Westminster.

We have, &c.
(signed) *John Borradaile,*
Ferd^d. Schiller.

Enclosure in No. 1.

From *Joseph Obbard*, Esq., River Surveyor to Master Attendant.

1 June 1863.

I BEG to draw your serious attention to the critical condition of the Channels River below Mud Point, and most respectfully, but earnestly, to suggest that some endeavour be made to improve them before navigation to and from Calcutta becomes seriously impeded.

There were until last year three routes from Mud Point to sea: first, that which is at present in use by Bedford's Saugor Roads, and the Eastern Channel; the second by the Auckland, Cowcolly Roads, Lloyd's into Saugor Roads, and the Eastern Channel; and the third by the Auckland and the Western Channel to sea from Cowcolly Roads. At the close of 1862 the second route ceased to exist from the entire filling up of Lloyd's Channel, so that any vessel using the Auckland is perforce compelled to proceed to sea by the Western Channel.

In the Auckland Channel there are only eight feet at low water, and the Western Channel presents difficulties to its use in the S. W. monsoon, which are almost insuperable. It would only be attempted at that time of the year from compulsion, and then only with the aid of the most powerful steamers.

From the above it will be perceived that, although these channels are open to the extent which has been stated, the navigation of the river is almost entirely dependent upon the condition of Bedford's, and that if that channel were to shut up, the most serious difficulties would arise.

And yet this, I regret to add, is precisely what is about to take place; there can no longer be room for any doubt but that Bedford's Channel is surely and rapidly closing, and although it may be rash to speculate closely respecting the time it may hold out, it will not to all appearance be navigable for more than two months from this date.

I cannot, in justice to myself, refrain from remarking that this great danger has not reached us unawares or without warning. So far back as last December, I reported that Bedford's Channel would close during this year, and even named May or June as the probable period when difficulty would first be felt. Every endeavour was made to discover another channel which might serve as a substitute; in fact, it may be said that the whole river between Saugor and Mud Point was surveyed for that purpose, but with no better result than has been stated above.

The danger which I then foresaw is now apparent enough. Both bars are deteriorating fast, the width of the channel is increased by one half, and frequent accidents are occurring from the changes which are in rapid progress, and which always precede the shutting up of a channel.

The Master Attendant's Report to Government, dated 27th May 1863, states that the River Surveyor, Mr. Obbard, has had an anxious time, for the changes in the Auckland and Lloyd's Channels of the river have been so serious that at one time it was feared all commerce would stop. Other channels have greatly changed, which have kept the surveyor in a state of anxiety, but through his indefatigable energy and care no serious consequences have ensued.

— No. 2. —

The Under Secretary of State for India to Messrs. *Borradaile & Schiller.*

Gentlemen,

India Office, 21 December 1863.

I AM directed by the Secretary of State for India to acknowledge the receipt of your letter of 4th instant, on the subject of the position and requirements of the projected town of Canning, on the Mutlah, and in reply, to inform you, that a copy of it will be forwarded for the consideration of the Government of India.

I am, &c.
(signed) *Herman Merivale.*

— No. 3. —

Mr. *John Borradaile* to Sir *Charles Wood*, Bart., G.C.B.

Sir,

4, Cullum-street, London, 11 October 1864.

HAVING received information that questions connected with the establishment of the port at the Mutlah, now designated Canning, have been referred by the Government of India to your decision, I beg to submit the following considerations on the subject.

The Municipal Commissioners for the new port appointed by the Government of Bengal, recently applied for a loan to enable them to construct the works which they considered essential to the establishment of the settlement; viz., 11,25,500 rupees, for roads; 6,00,000 rupees for drainage, and 3,12,750 rupees for embankments and contingencies; in all 20,65,250 rupees. Of this sum they represented that 5,50,000 rupees were required for operations in the ensuing cold season, which begins in November; of which they had only 1,00,000 rupees in hand. The question was referred by the Government of Bengal to the Government of India, with a recommendation that the sum of $4\frac{1}{2}$ lacs immediately required should be advanced on loan to the Commissioners, on condition that the State should not be required to expend any further amount on the town. Colonel Strachey, the Secretary to the Government of India, stated in reply, that "the Government was deeply involved in the success of the new port, inasmuch as (irrespective of other more general considerations) the guarantee on the capital of the Calcutta and South Eastern Railway could only be covered by a traffic that would make that line remunerative, and such a traffic could hardly come into existence except as the result of the success in a greater or less degree of the port." The Government of India had therefore recommended to Her Majesty's Government to contribute the sum named by the Lieutenant Governor, viz., $4\frac{1}{2}$ lacs, as soon as the mercantile community and the public had subscribed and paid up the remainder, viz., $15\frac{1}{2}$ lacs. But, in this communication, Colonel Strachey asserted, that the "projectors of the town and port" were Messrs. Borradaile & Co., and that it was to them that the Government was "disposed to grant this limited amount of assistance on condition that they themselves show that they and their project so far possessed the confidence of the mercantile community and the public as to enable them to raise the further sum which is now represented to be essential." This communication closed with the remark, that "the projectors must be made finally to understand that no further Government aid can be given for the purposes of the port and town of Canning."

It is in reference to this portion of the Despatch that I now venture to intrude on your attention. I cannot but deem it a matter of regret that Colonel Strachey, in reply to an application from the Municipal Commissioners, should have deemed it proper to indulge in remarks on a private firm, which place it in a most invidious position before the public, and which cannot fail to be regarded as involving a serious imputation on its motives. I feel it, therefore, to be an imperative duty to repel the assertion that the scheme of the Mutlah Port is, in any sense, a project of Messrs. Borradaile & Co. This disclaimer is required, not only as a vindication of their character, but still more in the interests of the undertaking itself; for it must be evident that as long as it continues to be viewed in this light, and the proposed subsidy is regarded as a concession to the projects and the interests of a single mercantile establishment, it cannot be expected to receive from the Indian authorities at home that attention to which its public importance would otherwise entitle it. To remove the injurious impression created by Colonel Strachey's observations, it is only necessary to refer to the records of Government.

On the 27th of May 1853, the Chamber of Commerce represented to the Government of Bengal "the difficult and dangerous state of the navigation of the Hooghly, and the importance of opening a new communication from the sea to Calcutta by some new channel, and most respectfully called its attention to the practicability of this object by means of the Mutlah river;" Lord Dalhousie immediately ordered a professional survey of the river, and instructed Colonel Baker to examine the country between Calcutta and the head of the
Mutlah,

Mutlah, with a view to ascertain the practicability of constructing a railway between the two places. The survey of the river presented a favourable result; Lieutenant Ward stating "that the least water in the channel was four fathoms at low water spring tides, and that there was therefore nothing to prevent vessels of the largest tonnage proceeding up the river at all times." Colonel Baker discouraged the proposal which had been made of a ship canal, and recommended the construction of a railway, the cost of which he estimated at 556,494 l., and the dividend to be expected at 10 per cent.

Lord Dalhousie lost no time in recording a Minute on the satisfactory results of the survey of the Mutlah, in which he stated that he had taken the precaution of purchasing for Government a large estate, with the view of establishing a new port and town on the banks of that river. A map of the proposed town with its streets, squares, and tanks, was soon after published under the authority of Government, and in March 1857, Colonel Baker, the Secretary to the Government of India, communicated to the Lieutenant Governor of Bengal the arrangements which had been made for the reservation of land at the new town for a large park, and for public buildings, and a burial ground; and "directed that the appropriation of the lots should be proceeded with on terms to be dealt with in the Home Department." The history of the port is still further elucidated in a Minute of the Lieutenant Governor of Bengal of the 16th of October 1858, in which he states, in reference to the question of the railway then under consideration, that the necessity of it "was always quite clear to Lord Dalhousie, the original author of the Mutlah Port;" and further on, that "the report of Colonel Baker was published for general information, and that in 1856 the plan of an auxiliary port was deliberately adopted by Government; a superintendent and other officers appointed, clearances undertaken, tanks commenced, the site of the town surveyed and plotted, and rules published for the grant of locations, several of which had been taken up." In further urging the necessity of the railway, he added, "If the Government, by which the experiment was set on foot, desires it to succeed, it is indispensable to provide it with that which is essential to success."

These extracts from public documents will demonstrate that the project of the port and town of Mutlah originated in the large and enlightened views of Lord Dalhousie, and not in the speculations of Messrs. Borradaile & Co., whose connection with this undertaking consists simply in the purchase of several lots, and the anxiety they have manifested to second the object of Government by chartering vessels to the port, for the encouragement of other merchants. It does not, therefore, rest with them, as Colonel Strachey assumes, to raise the sums necessary for the essential requirements of the new port, but with the Government, which "deliberately adopted" the plan, and has since fostered it by a guarantee upon half a million sterling for the construction of the railway. The erection of warehouses and all other appurtenances of commerce devolves, of course, on private enterprise; but the three objects for which the Municipal Commissioners have sought the aid of Government have always been considered as lying within the especial province of the State. Thus the entire responsibility of providing adequately for the construction of roads, drains, and embankments in the City of London has been assumed by the Government under the authority of Parliament; and this principle seems to apply even more emphatically to the port on the Mutlah, where these works are required, not for the improvement, but for the very existence of the town, of which the Government is the ground landlord.

Having thus disposed of that portion of Colonel Strachey's Despatch which refers to our firm, I trust it will not be deemed presumptuous for me to refer for a moment to the proposal of the Government of India, now submitted for your decision, that the sum of $4\frac{1}{2}$ lacs of rupees be advanced on loan to the Municipal Commissioners, on condition that the mercantile community and the public shall have previously paid up $15\frac{1}{2}$ lacs. But it is self-evident that if this larger sum were at once placed by the public in the hands of the Canning Municipality, as Colonel Strachey requires, any application to Government for the remainder would be perfectly redundant. What the port requires is a fair and immediate start. With the rising tide of its prosperity, which is sure to follow, every difficulty in raising the smaller sum will disappear.

Unhappily the new port has been represented as intended to rival and supersede Calcutta; any such idea, however, is altogether preposterous, for

such is the elasticity of the trade of the Gangetic Valley, that the resort of 50 vessels to the Mutlah, so far from interfering with the prosperity of Calcutta, would rather tend to promote it. But such an opinion, however erroneous, has been widely disseminated, and has served to create in the minds of not a few a strong prejudice against the new port, which, combined with the feeling of indifference manifested by Government, has proved in the highest degree detrimental to its interests. Nor does it appear to have been known to the Government of India that the debentures which were, at the close of the last year, offered to the public on the most favourable terms were all but universally declined. This indisposition on the part of the mercantile community to assist in the formation of the port is not at all likely to be diminished by the announcement in Colonel Strachey's letter, that in the opinion of Government, the whole scheme was merely the project of a single firm in Calcutta. The new appeal to the public will therefore necessarily prove abortive, and the condition attached to the grant of any aid from Government is equivalent in its effect to the refusal of all aid. The successful establishment of the port, on which Colonel Strachey affirms that the success of the railway depends, will thus be indefinitely postponed; and the annual payment of 25,000 *l.* of interest on the railway capital will continue to press on the finances of the State with only a very remote prospect of alleviation.

I have, &c.

(signed) *John Borradaile*,
Senior Partner of Borradaile, Schiller & Co.,
Calcutta.

— No. 4. —

The Under Secretary of State for India to Mr. *John Borradaile*.

Sir,

India Office, 29 October 1864.

I AM directed by the Secretary of State for India to acknowledge the receipt of your letter of 11th instant, and in reply to assure you that Sir C. Wood is quite convinced that there was no intention on the part of the Government of India, when speaking of Messrs. Borradaile & Co. as the projectors of the town and port of Mutlah, to make any imputation on the motives of that firm, or to fix any responsibility upon them. The passage in the letter from the Secretary to the Government of India, to which you allude, is not indeed very carefully worded, but the context shows that it was not to Messrs. Borradaile & Co., but to the Municipal Commissioners of Mutlah that Government offered a loan of 4½ lacs, on a specified condition, and that it was the same Commissioners who were expected to fulfil the condition.

With respect to your observations on the limited amount of the assistance offered, I am to state that Sir C. Wood is not prepared to grant more than the Government of India propose.

I am, &c.

(signed) *Herman Merivale*.

— No. 5. —

Mr. *John Borradaile* to Mr. *Algernon E. West*.

The Calcutta and South Eastern Railway Company (Limited),
Offices, 211, Gresham House, Old Broad-street,
London, 8 December 1864.

Sir,

I BEG herewith to forward you the enclosed memorial from some of the most eminent of the merchants and shipowners of Liverpool, and will feel obliged by your handing it to Sir Charles Wood, and stating that it is the document to which I referred yesterday at the interview with which he favoured me.

I am, &c.

(signed) *John Borradaile*, Chairman.

Enclosure in No. 5.

Sir,

Liverpool, December 1864.

WE, the undersigned, representing the interests of shipowners, shippers, and insurers, beg to draw your attention to the great insecurity of British shipping in the Port of Calcutta, as demonstrated in the effects of the Cyclone of the 5th of October last.

The injury occasioned by the gale was to a great extent owing to the over crowded state of the port, which at the time contained from 200 to 300 vessels, and to the simultaneous occurrence of a heavy bore, which aggravated the confusion and disaster. These circumstances have led to the revival of various proposals which have from time to time been made for remedying this evil, one of which is that for the establishment of wet docks at Calcutta, but the completion of any of these schemes must necessarily involve great loss of time.

On the other hand an immediate source of relief is presented in the Auxiliary Port on the Mutlah, 28 miles east of Calcutta, which was projected by the foresight of Lord Dalhousie with a view to such an emergency.

In the official survey which was then ordered of that river, it was found to present every facility for the resort of shipping; the freshes which are so dangerous in the Hooghly are unknown there, the tide running ordinarily only two miles an hour and never exceeding four and a half; there is moreover no bore; the access to it is described as devoid of difficulties, and vessels can reach their anchorage or get out to sea by the aid of steam in from 10 to 15 hours; the Government was therefore induced to sanction, by a guarantee, the construction of a rail, which has now been completed, to connect the new port with the Metropolis, and of a jetty, alongside of which vessels of large tonnage might lie and transfer their cargoes to the wagons. But the port itself is as yet in an unfinished state as regard drainage, roads, and river embankments.

We entreat permission, therefore, to submit to your consideration, the urgent necessity of affording additional accommodation for shipping to Bengal, by the adoption on the part of the Government of such measures as are required to render the town and port of Canning fit for the accommodation of shipping.

We have &c.
(signed) *Thomas & John Brocklebank,*
Merchants, Liverpool.
Jones, Palmer & Co.,
Shipowners and Underwriters, Liverpool.
And others.

To The Right Honourable,
Sir Charles Wood, Bart, G. C. B., M. P.
&c. &c. &c.,
Secretary of State for India in Council.

— No. 6. —

The Under Secretary of State for India to Mr. *John Borradaile.*

Sir,

India Office, 2 March 1865.

I AM directed by Sir Charles Wood to acknowledge the receipt of your letter to Mr. West, of 8th December last, and in reply to inform you that the memorial from the merchants and shipowners of Liverpool therewith enclosed will be forwarded to the Government of India, with whom it will rest to take such steps in consequence, as may appear fitting.

I am, &c.
(signed) *Dufferin.*

"
 SOUTH EASTERN OF BENGAL OR MUTLAH
 RAILWAY COMPANY, &c.

RETURNS of INTEREST paid on the GUARANTEED CAPITAL of the SOUTH EASTERN of BENGAL or MUTLAH RAILWAY COMPANY, and of the Amount of Traffic and Working Expenses for each Half Year since the Line was Opened ; and, of the ORDERS of the Bengal Government constituting Municipal Commissioners at Port *Cunning* or *Cunnington*, and also of all COMMUNICATIONS which have passed between them and the Government of *India*, and between Parties in *England* and the Secretary of State for *India*, relative to the Development of that Port.

(*Mr. Henry Seymour.*)

Ordered, by The House of Commons, to be Printed,
7 April 1865.

[*Price 6 d.*]

200.

Under 8 oz.

RANGOON AND WESTERN CHINA.

RETURN to an Address of the Honourable The House of Commons,
dated 1 June 1865;—for,

“COPY of MEMORANDUM by Captain *Williams*, Inspector of Public Works,
Rangoon Division, British Burmah, upon RAILWAY COMMUNICATION
between *Rangoon* and *Western China*, with MAP relating thereto.”

India Office, }
14 June 1865. }

E. P. A. THOMPSON,
Assistant Secretary,
Public Works Department.

(*Sir James Fergusson.*)

Ordered, by The House of Commons, to be Printed,
15 June 1865.

OFFICIAL DOCUMENTS to which reference is made.

- 1st. Dr. Richardson's Embassies to Karenees, Shan States, and Siam, 1829-1839.
 - 2d. Captain Macleod's Embassy to the Shan States of Kiang-Hung and Kiang-Tung, in 1836-1837.
 - 3d. Letter from Mr. O'Riley, Deputy Commissioner of the Martaban Province, to Lieutenant-Colonel Fytche, Commissioner of the Jenasserim Division of British Burma, dated Karenee, 16th January 1864.
 - 4th. Survey of the Salween River by Captain Watson, Assistant Commissioner of the Martaban Province, dated Rangoon, 21st April 1864.
 - 5th. Memorandum on the question of British Trade with Western China, by Dr. C. Williams, Her Majesty's 69th Regiment, and Agent at Mandalay of the Civil Commission of British Burma, dated Mandalay, the 25th of April 1864.
-

MAP OF BURMA

AND THE

REGIONS ADJACENT.

TO ACCOMPANY THE

MEMORANDUM ON RAILWAY COMMUNICATION WITH

WESTERN CHINA

AND THE

INTERMEDIATE SHAN STATES

FROM THE

PORT OF RANGOON.

BY CAPTAIN J.M. WILLIAMS, H.M. INDIAN ARMY.



- Reference.
- Denotes British Boundary
 - Burman "
 - Siamese "
 - Chinese "
 - N^o1. or "Direct Land Route"
 - A — N^o2. or "Magwé Route"
 - B — N^o3. or "Mandalay Route"
 - Line followed by Captain Watson
 - - - Lines marched over and surveyed by Captain Williams.
 - Captain Macleod's Routes.
 - - - Dr Richardson's Routes.



MEMORANDUM on RAILWAY COMMUNICATION with *Western China* and the intermediate *Shan States* from the Port of *Rangoon* in *British Burma*, with MAP, by Captain *J. M. Williams*, H.M. Indian Army, Assoc. Inst. C. E., and Executive Engineer, Rangoon Division, British Burma.—London, 21 January 1865.

R E P O R T.

FOR this new commerce in the East, three distinct lines of railway have been suggested, all, however, originating with Captain Sprye, a retired officer of the Madras Army, viz. :—

Three routes have been proposed.

1st. It is now advocated wholly land route, to commence at Rangoon, and, as indicated by a red line in the annexed map, follow as straight a course as practicable, across the north-east frontier of British Burma, to Kiang-Tung, and thence to Kiang-Hung on the Mekong or Upper Kamboja River.

First, a direct land route.

2d. A river and land route, starting by river from Rangoon, and proceeding thence to Magwé, on the left bank of the Irrawaddy, in Burma Proper; the railway to commence there, and taking a north-easterly direction, as shown by the green line, marked A on the map annexed, through Yemethen and Myoung Yuwé, to strike the Takoo Ferry on the Salween River, and thence follow the first route eastward to Kiung-Tung and Kiang-Hung.

Second or Magwé route.

3d. Another combined river and land route from Rangoon, by the Irrawaddy River to Mandalay, and thence by railway, *vide* the green line marked B, through Barno to Talifoo, in the north-west of the Yunan Province of China.

Third or Mandalay route.

The first route will be seen to embrace a continuous railway from Rangoon to Kiang-Hung, on the Mer-Kong or Kamboja River, where it issues from the south-west frontier of China, and where the now Major-General McLéod, in 1837, reported that stream (called the Lantsang Kiang within the Chinese frontier) to be, in the dry season, 540 feet wide and exceeding 16 feet deep, and 1,600 feet wide and 60 feet deep in the floods. This river, after a southerly course of about 1,200 miles from Kiang-Hung, through the Laos States and the recently restored kingdom of Kamboja, falls into the ocean in French Cochin China.

General direction of the first route.

The distance, in a straight line, between Rangoon and Kiang-Hung is shown by maps to be about 480 miles; the first and most important moiety of which, as having its terminus at the seaboard, is in British territory, and the other portion principally in the two very friendly Burman Shan States of Kiang-Tung and Kiang-Hung.

The second route involves a river navigation from Rangoon to Magwé, in Burma Proper, in N. latitude 20° 5' and 95° E. longitude, about 460 miles by the river from Rangoon, and 60 miles beyond the British frontier; and the construction from that point of a railway, wholly in Burman territory, through Yemethen and Myoung Yurvé to the Takoo Ferry, on the Salween, a direct distance on the map of about 220 miles, to follow, from Takoo, the route of the first line 190 miles eastward, through Kiang-Tung to Kiang-Hung; being, in all, about 460 miles of water carriage, and 460 miles, in a direct line of rail, making a total distance of 870 miles.

General direction of the second route.

The third route entails the much longer river navigation of about 675 miles, from Rangoon to Mandalay, the Burmese capital; with a railway thence, also wholly in Burma Proper, to Barno, 160 miles direct north of Mandalay, to be continued north-easterly 220 miles further across the Black Mountain Range, to the Chinese city of Talifoo, in the north-west of Yunan; in all, a distance of 675 miles by river and 380 by rail, making a total of 1,055 miles.

General direction of the third route.

Before proceeding to offer my observations on the official papers, referred to at the head of this Memorandum as treating of these routes, it may be well for

Origin of the three proposed routes.

me to relate, as far as the information I have collected will permit, the origin of these different propositions for the attainment of the desired trade with the west of China from British Burma.

The proposal that such a trade should be established appears to have originated many years back, and long before the annexation of Pegu and Martaban, with Captain Sprye, who, after serving with his regiment and in the survey branch of the Quartermaster General's Department, through the first war with Burma, was afterwards employed in the latter branch of the service, in what were then called the "Ceded Unasserim Provinces." From that time to the present, a period of nearly 40 years, he seems to have perseveringly followed up his proposition; and the many pamphlets, circulars, and maps he has printed on the subject, show him to have been earnestly impressed with its commercial importance to England, India, and British Burma. What he has printed on the subject shows also that he searchingly collected, while in India, and has since assiduously added thereto, whatever others may have printed or written of Burma, Pegu, Siam, and China, and the countries adjacent to them.

It seems to have been the result of his research that a direct land route, by the most easy line of country from Rangoon to Kiang-Hung, was considered by him both the most preferable and practicable; though, in forming this opinion, it is also on record that he did not overlook the possible desirability, at some later period, if feasible, of branch lines being thrown off from it at the Takoo Ferry, north-westerly to the Burman capital, and westerly to some eligible point on the Irrawaddy River, midway between the capital and Rangoon, such as Magwé.

As regards the second route, that from Rangoon by river to Magwé, and thence by rail to the Takoo Ferry and Kiang-Hung, I may briefly state that it was suggested by Dr. F. Marfels, in 1863, in ignorance, perhaps, of all that Captain Sprye had so much earlier projected and submitted to the public.

Dr. Marfels, a German medical gentleman, came to British Burma in, I think, the year 1858, on the invitation of Dr. Brandis, the then conservator of forests in that country, to be employed under him. After a short time he relinquished that employment to settle in Rangoon as a medical practitioner, at a time when the commercial opening of the west of China, *viâ* that port, had become a subject of considerable public discussion. Turning his attention to it, he considered whether some other route than the direct land route might not be proposed, and receiving encouragement from some of the Rangoon community, he, in 1863, proceeded up the Irrawaddy River to Magwé, to explore a railway route from that point to the Takoo Ferry. At the same time, in order to support and locally popularise his proposal, he, without having traversed the land route from Rangoon to the Takoo Ferry, condemned it as impracticable, and affirmed the very contrary of a route *viâ* Magwé equally without having passed over it.

Interrupted by the Burman local authorities in the survey he had proposed to institute of the Magwé route, he proceeded to the capital of Burma, and there settling, became, it was said, medical attendant upon some of the court, and did all in his power to make the Magwé route to China popular to the Burman authorities, as being projected by him, and giving to Burma the advantage of having the entire railway in Burman territory. Thus actuated, he readily combined with the agent of the late firm of Halliday, Fox & Co., sent out to Mandalay at the end of 1863, to obtain from the Burman Government the concession for a railway and telegraph to China from Magwé or Mandalay.

The third route, that from Rangoon, by river, to the Burman capital, and thence by railway, *viâ* Barno to Talifoo, in the north-west of Yunan, has received the support, and has been earnestly advocated by Dr. Williams, the late agent at Mandalay of the Chief Commissioner of British Burma. Dr. Williams, assistant surgeon of Her Majesty's 68th Regiment, first came to Burma in 1858, and was subsequently appointed by the Chief Commissioner as his agent at Mandalay. In that position Dr. Williams appears to have been actuated with a strong desire to set aside both the direct land route from Rangoon to China, and the "river and land route" from Magwé, and to supplant them with the much longer and more difficult one, *viâ* Barno. Indeed, his Memorandum on the question of "British Trade with Western China," dated 25th April 1864, opens with the avowal of strong prepossession in favour of Burma Proper, the Upper Irrawaddy, and the old Chinese dry weather caravan road by Barno.

Without

Account of the first route.

Account of the second route.

Account of the third route.

Without personal knowledge or other reliable information of the country between Rangoon and Kiang-Hung, and, seemingly, equally ignorant of the wild mountainous region between Barno and Talifoo, he, with Dr. Marfels, proclaimed the direct land route "to be wholly impracticable;" and declaring the Barno one quite the reverse, wrote in its favour, and gave his influence at Mandalay towards its adoption. Thus, when the agent of Messrs. Halliday, Fox & Co., arrived at Mandalay, he found Drs. Marfels and Williams there residing, ready to support and co-operate with him in following his instructions, not to negotiate for the direct land route, as being Captain and Mr. Sprye's, but to obtain the concession of some other line with which their names were not associated.

While these gentlemen were thus endeavouring to supersede the "direct land route," the interest evinced in the question of trade with Western China by the manufacturing and commercial communities of England, induced the Home Government to instruct the Government of India "to report on the best means to be adopted for developing the resources and improving the intercommunications of British Burma;" and this instruction having been communicated by the Government of India to the Chief Commissioner of British Burma, he, I presume, took advantage of Mr. O'Riley's going from Shway Gyeen, on a mission to Karenee, and Captain Watson's proceeding from the same station to survey the River Salween, and ordered them to report upon the character, for a railway, of that portion of the road in our territory over which they would travel between Shway Gyeen and the Salween; and it is upon their consequent reports, and Dr. Williams' "Memorandum," as they bear upon the possibility and desirability of a railway to the west of China, by the one or other of their advocated routes, that I will now proceed to submit my observations as a public works officer of 10 years' service in British Burma.

Of the three routes, the "direct land route" from Rangoon to Kiang-Hung is the one which, if feasible, must, owing to its directness, be the best; and there is no doubt, from the same cause, it would be the cheapest to construct. The cost of transport of plant and stock by the long river journey, pertaining to the other routes, would also be saved; for, as the line would be constructed on the telescopic principle, the plant and railway material would be forwarded along the line as laid down, and each stage, as completed, be brought into immediate use.

Arguments in favour of the first route as compared with the other routes.

Upwards of 250 miles, a full moiety of the entire line, will be within British territory, and the remaining portion through country occupied by people who are, with their chiefs, well affected towards the British Government, though tributary to the King of Burma; and who, it may reasonably be anticipated, would, from motives of self interest, in the event of a rupture of our present amicable relations with the court of Mandalay, at once tender their support to the British, and thus guarantee the safety of the railway through their States.

Moreover, it is on record in the present General Macleod's Official Report of his mission to Kiang-Tung and Kiang-Hung, in 1836-37, forwarded to the Commission of Tenasserim Provinces on the 25th August 1837, that the princes, their ministers, and the Chiefs of those Shan States, expressed the strongest desire to have a commercial road opened between them and us; and offered every assistance and facility in their power, or that their country could afford, including the assurance that our merchandise should pass through their territory duty free.

Every one acquainted with the feelings of the Shan States and their princes of the present time, must be aware that their desire of friendship and intercourse with us, and of a commercial approach to the seaboard by our territory, has increased with the years that have intervened since the time when General Macleod visited them.

Colonel Phayre, the Chief Commissioner of British Burma, in his Administration Report of 1863-64, bears strong testimony to the present friendly feeling of the Shan chiefs towards the British Government, and their equally hostile opposition to the Burman Government. Thus, at paras. 240 and 241 of the Report, he writes:—

"During the year several refugee Shan chiefs have fled into British territory; they have mostly either been in actual rebellion against the Burman (Ava) Government, or have been placed under surveillance as being suspected.

Some of these chiefs have settled down with their followers to agriculture; and, it is hoped, may be the means of attracting large bodies of settlers. The Shan people are energetic and industrious; they would be the best colonists available to people the wastes of Burma."

"241. Since the close of the official year, the Shan chief of Nyoung Yeuvé, who raised a wide-spread insurrection in November and December 1863, arrived in the spring of 1864 at Toungoo. The strongly hostile feeling existing in the Shan States against the Burmese (Ava) Government, appears to have resulted from the declared policy of depriving the chiefs of all power, and of introducing the tax on each house or families, as it exists in the Burmese (Ava) or native possessions of the king."

The second route, recommended by Dr. Marfels, is merely a modification of the branch line along the north of our frontier, originally suggested by Captain Sprye; but, as the main line, it possesses the insuperable disadvantage that no portion of it would be within British territory, under which circumstances the question naturally suggests itself, how is the line to be made? In other words, Who will provide the funds? It cannot be expected that British capitalists will risk their money upon it without a sufficient and sure guarantee.

The Indian Government have ceased, generally, to guarantee even desirable lines in British India. Is it, then, to be expected that they will give any pecuniary aid to a line constructed wholly in Burma Proper, and commencing many miles beyond the British frontier? The guarantee of the Burmese Government, if obtainable, would be valueless in the London money market, whoever might be the directors of a company holding it.

Supposing, however, this primary and principal difficulty satisfactorily arranged, still we have a route much longer, more tedious, and, in an engineering point of view, infinitely more difficult than the "direct land route;" for it would have to cross the Great Yoma Range and its spurs, between the Irrawaddy River, at Magwé, and the Littany River.

There is the further great disadvantage attending this route, that all goods arriving by it at Magwé, from the westward, must there, on Burmese territory, be unloaded from the railway, probably warehoused, and then shipped on board flats and steamers for carriage on to Rangoon, a tedious distance, by river, of about 460 miles, where they must be again landed and warehoused, and again reshipped for transmission to English or other ports.

These important objections are greatly magnified when applied to the third route, proposed to commence at Mandalay, a river distance of from 650 to 700 miles from Rangoon.

It is this route, which, in his "Memorandum," receives the support of Dr. Williams, and for which, together with that from Magwé, the late London firm of Messrs. Halliday, Fox & Co., through their agent, obtained a concession some months back from the King of Burma; whereon, and by the disposal of which, the parties in question proposed to establish a public company in England to carry out the project; but, as yet, no steps have been taken so to utilise the concession.

And, if a difficulty is certain in obtaining British capital for the construction of a railway in Burma Proper, commencing 470 miles from Rangoon, and 60 miles beyond the British frontier, how much greater would be the difficulty of procuring capital for a wholly Burman line, commencing at Mandalay, a river distance of about 670 miles from Rangoon, to proceed thence to Barno, and across the Black Mountain Range into China?

It is well known in British Burma that the agent sent out to Mandalay by Messrs. Halliday, Fox & Co., adopted the Magwé and Mandalay circuitous and difficult routes, not as being the most desirable, most direct, or most practicable, but because, as before observed, he was specially instructed to avoid any route proposed by Captain and Mr. Sprye.

This was there made public by the following extract from Messrs. Halliday, Fox & Co.'s instructions to their agent, dated London, 15th November 1863, and published by their agent in the "Rangoon Gazette" of 26th January 1864, as follows:

"In order to make it quite clear, and to prevent any unpleasantness with Captain and Mr. Sprye, we are not inclined to be interested in any concession of railway or telegraph for the route proposed by them; but we wish to be kept entirely free from any invasion of their assumed rights in the above objects.

You

No portion of the second route in British territory. The difficulty of finding funds for its construction.

Objections to the third route are much greater than to the second.

Concession obtained by Messrs. Halliday, Fox & Co.

Greater difficulty in obtaining capital for the construction of the third route.

You are aware of the route proposed by them, and, as the telegraph will be carried to China *via* Singapore, we do not think this portion of this project of much value or importance."

It is indeed difficult to understand Dr. Williams' earnest advocacy of the Mandalay and Barno route. He opposes the direct land route on the ground of its passing through a district of wild tribes, of whom he cannot speak from personal knowledge, nor does he seem to have read the reports of those who have been among them; and he then recommends the Mandalay and Barno route, which passes through tribes of Kakyens, whose fierceness of character and warlike disposition he himself depicts as being infinitely worse than is to be found amongst any of the tribes through which the line he wishes to condemn has to pass.

Dr. Williams' advocacy of the Mandalay route.

Thus, in his Memoranda above referred to, Dr. Williams writes: "The Kakyens are a portion of the vast hordes of Singphos that inhabit the mountain district of Northern Assam, and stretch round the north of Burma into Western China. These extend not only all along the northern frontier, but dip down southward wherever the mountain ranges lead them, even to half way between Barno and the capital. They have ousted many Shan tribes, particularly the Palungs, from the hill districts; and wherever they appear they assume the same character of 'lords of all they can reach,' only to be appeased by some form of 'black mail.' And again, 'the Kakyens, as the Burmese call these Singphos,' levy black mail even to within six miles of Barno, the seat of a Burmese governor of the rank of a woongyee. They inspire such terror, that in the neighbouring plains no Burman or Shan will venture alone, or even in company, unarmed along the roads within their reach."

It is thus made clear, that unless the difficulties attending the construction of the direct land route from Rangoon be proved to be insurmountable, it is the route which can alone be followed to realise the desired object, a direct and continuous trade between Rangoon and Western China. My own conviction, after much and careful consideration of the subject, is, that any other commercial way to the west of China is impossible, unless at such an enormous outlay in construction that the object to be attained would not justify being disbursed in the territory of a foreign power.

The "direct land route" can alone realise the desired object.

It is well here to notice an error into which the few objectors to this "direct land route" seem to fall, and which error is most apparent in both Mr. O'Riley's letter to the Commissioner of the Tenasserim Division, and in Captain Watson's report, viz., that it is the precise and only route suggested by Captain Sprye, particularised in one of his pamphlets, and traced in one of his maps as from Shway Gyeen, to Baughta, Thayet-pyin-kin-dat, &c., to the Takoo Ferry. I understand this particular route to have been indicated by Captain Sprye only as appearing to him by Hobday's map (the latest official map of the province of Martaban) to be likely to have the easiest gradient. And one of his pamphlets now before me, bearing date, London, 15th March 1860, and entitled, "China; and how best for England to Preserve her Commercial, Political, and Military Position there, in reference to American, French, and Russian Modern Approaches to it," names in its concluding page four points as more urgently claiming the attention of Her Majesty's Ministers. The first three refer severally to China, Burma Proper, and Siam; and the fourth to Pegu, thus:—"And as respects Pegu, to have a cheap single line railway or tramroad, laid by the most direct route from the port of Rangoon, by the ancient capital of Pegu, to the more north-easterly town of Shway Gyeen, on the river Littang, and thence by the most easy engineering line to our extreme north-east frontier, on, or near to, the right bank of the Salween."

Error into which objectors to the direct route appear to fall.

It is thus shown that the projectors felt that the precise route to be adopted between the Littang and the Salween rivers, must depend on the result of a thorough survey of that part of country by professional engineers; and surely their propositions are not to be deemed wild and wholly impracticable on reports made by non-professionals travelling over the route by the one mere native bullock track Messrs. O'Riley and Watson seem to have journeyed by.

Mr. O'Riley's letter to the Commission of the Tenasserim Division, dated 16th January 1864, appears to be a summary of his journal, and may be considered as a summary also of Captain Watson's diary.

Mr. O'Riley's letter considered as a summary of his own and Captain Watson's diaries.

Both gentlemen are unanimous in condemning the "direct land route;" but their

their verdict seems to be not only premature, but quite unsupported by any of the facts detailed in Captain Watson's diary.

The observations I have to make on their report of a portion of the country, which, from my service there, and my having marched over it several times and surveyed it, I can speak of professionally with all confidence, will, I think, justify my objections to the conclusions they arrived at. The portion of their route, thus thoroughly known to me, extends from Shway Gyeen to Baughta; and to this portion of Captain Watson's report I will first direct my observations, prefacing them with a few remarks on the first portion of the line, viz., that from Rangoon to Shway Gyeen.

First portion of the direct land route.

It is generally admitted that, in this portion of the route, there are no obstacles to railway construction. Certainly, I have never heard of any being supposed to exist, and from my own knowledge of the country I can confidently affirm that there are none. This, at least, is a very favourable fact, seeing that it embraces the first 120 miles, or about one-fourth of the entire proposed line.

Distance from Rangoon to Shway Gyeen.

The distances from Rangoon to Shway Gyeen by the existing road are as follows:—

Rangoon to the ancient city of Pegu, about	-	-	45	miles.
Pegu to Pyngyhr	-	-	12	"
Pyngyhr to Pyeenboug	-	-	8	"
Pyeenboug to Pyenmalwen	-	-	9½	"
Pyenmalwen to Dyoo	-	-	10½	"
Dyoo to Hpoontaza	-	-	14½	"
Hpoontaza to Shway Gyeen	-	-	14	"

TOTAL distance from Rangoon to Shway Gyeen - - 113½

Excellent road from Pegu to Shway Gyeen.

In March 1853, I marched over this road from Pegu to Shway Gyeen with the flank companies of the 1st Madras Fusiliers, accompanied by their heavy baggage and Commissariat stores, carried in upwards of 100 native bullock carts, and although we had a party of Sappers with us, their services were not once called into requisition to improve the road.

Captain Watson and Mr. O'Riley approve of the road from Shway Gyeen to Baughta. State of the road in the monsoons.

From Shway Gyeen to Baughta both Captain Watson and Mr. O'Riley state, that "with little improvement, the road can be rendered available for a tramway."

Now, had they passed over this portion of the road, as I have done, during the rainy monsoon, in the only way in which it can be then passed over, viz., on elephants, they would have found that for miles the water varied in depth from six to eight feet, and they would have seen the desirability of selecting a different line for the construction of a serviceable road; certainly they would not have had far to search for such superior line, since only a quarter of a mile to the eastward of the ordinary native track the ground is elevated well above the highest floods.

Description of Burman roads.

It is well known that Burman roads, or rather bullock tracks, are formed simply by carts being driven from village to village, the constant passage of wheels wearing away the ground into two parallel ruts. Such tracks are generally opened afresh at the end of each monsoon, as soon as the floods subside. The drivers cannot take short cuts across the plains, as the water remains on them to a much later period of the year. On the other hand, they avoid the elevated ground as much as possible, on account of its being clothed with trees and thick jungle, which would entail the laborious operation of felling and clearing. They therefore skirt the high ground and its jungle, and wind their way along the contour of the rising ground, though the distance be much greater. Thus between Shway Gyeen and Kyonkyee, *via* Baughta, which by the Burman road is 33½ miles, I cut a trace for the survey of a new road in 1857, by which, keeping on the high ground, I avoided all water, and reduced the distance to 30 miles.

Objection to Mr. O'Riley's remark, that "substantial bridges would be required."

Another remark of Mr. O'Riley's on the road between Shway Gyeen and Baughta requires to be noticed before leaving the portion of the subject, as it is one which is likely to create misconception as to the nature of the ground to be traversed, and the facility of constructing a railway over it; I refer to his statement, that "several substantial bridges" would be required to render the road available.

Now

Now, such a remark would naturally lead people to imagine that broad rivers have to be spanned, whereas there are only five narrow streams between Shway Gyeen and Baughta, and the two largest of these, that at Shanzeik, and one two miles further on, are not more than 50 feet in breadth, if measured a few yards to the right or left of the bullock-cart tracks across them; of course, at such points the banks of the streams are worn down by the passage of the carts, and the span is thereby made somewhat greater; but, by following the route of which I cut the trace in 1857, these streams are crossed at points where they are much narrower, the Shanzeik stream being there only 20 feet broad. This wholly disposes of Mr. O'Riley's statement, that "several substantial bridges" would be required.

I have entered thus at length on the subject of this portion of the road to show that here, at least, Messrs. O'Riley and Watson have confined themselves to a report on the existing native bullock-cart road as they found it, not as it might be at other seasons of the year, or how it might be avoided, and a better line selected. And, if this be the character of their report on this portion between Shway Gyeen and Baughta, there is surely good reason to presume that it was the same between Baughta and the Salween.

Nature of Messrs. O'Riley and Watson's report on the Shway Gyeen to Baughta portion of the route.

Captain Watson was well aware of the peculiar nature of the tracks or paths in this latter portion of his line of march, for he states in his journal, 23d December, that "the Karens, who first made these roads, apparently steered as straight as possible from one height to another, having no regard to mountains, a hilly road being quite as pleasant walking to them as a level one." And on this day, at least, he notices that the road over "precipitous heights might easily be avoided, by carrying the track along the sides of the hills;" yet neither he nor Mr. O'Riley appears to have borne this fact in mind on other occasions.

Karens carry all their traffic on their own back; thus, from early training to it, they experience little or no inconvenience in the steepness of their paths. It may, perhaps, be argued, that this is, of necessity, because their country is impracticable for cart roads; such, however, is not the case, the fact being that the Karens, divided into numerous small tribes, often at strife with each other, and oppressed by their more powerful neighbours, have sought to hide away in their hills and fastnesses rather than to open out roads to facilitate the approach of their enemies; neither has their traffic with each other been sufficient to warrant the construction of roads, which would require to be continually in use to prevent their being overgrown with jungle in a single monsoon.

Description of Karen paths.

Before proceeding to examine Messrs. O'Riley and Watson's report of the second division of their route, viz., that between Baughta and the Salween River, I take upon myself to pronounce that from Rangoon to Baughta, a distance of 135 miles, there is not an engineering difficulty to be encountered in the construction of a railway; but, on the contrary, landing the plant at Rangoon, every facility exists for the rapid and efficient construction of that important first division of the line, which alone will bring the port of Rangoon, commercially, all the year round, 135 miles nearer to Western China and the intermediate Shan States.

Captain Watson's journal records that he marched from Baughta, on the 16th December 1863, to Boab Tsaken, distance 15 miles; for the first six miles, as far as the village of Upper Baughta, carts are able to proceed; two miles further on the road "passes over several small but steep hills;" I imagine these to be detached hills, as he next records that, a short distance further, "the ascent of a range of hills" commences; if my conjecture be right, they can easily be avoided. In themselves, however, several small but steep hills would not be considered by an engineer to present much impediment to the construction of a railway.

Captain Watson's march from Baughta to Boab Tsaken.

About four miles beyond these hills, or 12 miles from Baughta, after crossing a mountain stream, the "ascent of the range of hills" just referred to commences, "distant from summit about four miles." Then, after a slight descent, Boab Tsaken is reached, making a total distance of 16 miles, instead of 15, as given in the journal. This discrepancy in distance occurs in other pages of the journal, from which it is to be inferred that the distances have been approximated only, and are not the result of actual measurement.

The height of Boab Tsaken above the level of the sea is given as 1,800 feet;

the height of the ground at the foot of the hills, or even of Baughta, is not given. Now, as there is only a slight descent into Boab Tsaken, we may assume 1,800 feet to be the most extreme height of the summit of this range above the country at its foot. The ascent is made in four miles, and thus the gradient is shown to be not more than 1 in 11½.

This could, there can be no doubt, be very greatly reduced in constructing a railway, by means of partial cuttings and embankments, and by increasing the length of the ascent. There is nothing, however, in the report to show that the range cannot be crossed at a lower level; and I am inclined to think that a real survey will prove the so-called range to be merely one of the spurs of the range separating the water shed of the Sittang and Youzalem Valleys, in which case there can be little doubt that it will be found possible to cross it at a less elevation.

Boab Tsaken is, according to Captain Watson, 35 miles from Shway Gyeen, and throughout that distance he shows apparent difficulties to exist in only about four miles.

On the 17th December Thayet-pyin-kin-dat is reached, distance 10 miles; the road, for four miles from Boab Tsaken, follows "over the summit of several hills," the highest point reached being "about 3,000 feet above sea level," or 1,200 feet above Boab Tsaken, from whence a descent is commenced, which continues to within three miles of Thayet-pyin-kin-dat; this makes the length of the descent about three miles. Unfortunately the level of Thayet-pyin-kin-dat is not given, and the gradient of descent cannot be calculated. But it is probable, from the direction followed, that the successive valleys or gorges are crossed at points nearer their junction with the main ridge, and, consequently, at higher levels, so that Thayet-pyin-kin-dat is higher than Boab Tsaken, and the descent from the highest point reached to Thayet-pyin-kin-dat is, therefore, less than 1,200 feet. The rate of incline of the ascent from Boab Tsaken would seem to be about 1 in 17½. It seems probable that the hills over the summits of which Captain Watson passed in the first four miles of the day's march were detached hills, for, in remarking on the magnificent view obtained from the highest point reached of the Valley of the Sittang, he writes, "the masses of the hills, not ranges, that surround you on every side impress you with the idea that Captain Sprye's proposed tramway to the borders of China, *viâ* the Youzalem and Karenee is impracticable."

This argument, certainly, appears to be misapplied, for Captain Watson distinctly records that he is not surrounded by ranges of hills, but by masses; where, then, is the difficulty of avoiding them. The native track over the summit of the hills by which he marched certainly need not be followed; and his own expression would infer that even the highest point of 3,000 feet was unnecessarily attained, and that he arrived at it merely because the Karen track took him there. But, even accepting the worst view of the case, the difficulties of this day's march, certainly not insurmountable, or even so great as those encountered in the previous day's journey, and a distance of 45 miles from the Shway Gyeen, has now been accomplished.

A halt having been made on the 18th, on the 19th December an advance was made to Thailyyoo Choring, a distance of six miles from the last halting place. The highest point passed was the Kyouktagha, which was ascertained to be 3,220 feet, and the distance about four miles from Thayet-pyin-kin-dat, the level of which station has not been given; for the reasons, however, above stated we cannot possibly, I think, underrate the ascent to Kyouktagha, in assuming it at 1,200 feet; very probably it is not more than 800 feet; but taking it as 1,200 feet, the gradient is 1 in 17½.

The level of the camp at Thailyyoo Choring is not given in this part of Captain Watson's journal, but it is indirectly fixed on his arrival at Lomatee-tat-ya-hoing, on the Youzalem, which place, we are informed, is 2,456 feet above the level of the sea, and "265 feet lower than the Thailyyoo Choring," the elevation of which is, therefore, 2,721 feet above the sea level, and 499 feet below the Kyouktagha. This last descent being made in two miles, we find the gradient to be about 1 in 211½.

On the 21st of December Captain Watson marched to the foot of the Lomatee Hills, a distance of 11 miles, or 62 from Shway Gyeen. This road he describes as being "very level during the whole of the march," which in no way accords with Mr. O'Riley's emphatic assertion, that, "with the exception

of

March from Boab
Tsaken to Thayet-
pyin-kin-dat.

Thayet-pyin-kin-
dat to Thailyyoo
Choring.

Thailyyoo to the
Lomatee Hills.

of the slope over which the stockade of Thayet-pyin-kin-dat is built, not an acre of even ground was found throughout the line of march."

The following day, 21st of December, Captain Watson arrived at Lomatee-tat-ya-hoing, on the Youzalem River, after a march of seven miles over a "tolerably good road." The distance now reached from Shway Gyeen is 69 miles. The level of this station is 2,456 feet,—265 feet lower than Thailoo Choring,—the descent from which has evidently been very gradual. In a distance of 18 miles, the fall is about 1 in 358. It is here worthy of notice that in his journal, on the 17th December, Captain Watson writes, "the ranges, on either side the Youzalem River, are about 4,000 feet high;" yet, the highest point he reached, before arriving at the Youzalem River, is, in his next day's march, the Kyouktagha, 3,220 feet above sea level, from which point there is a descent the whole way to the Youzalem. Where, then, is the range of 4,000 feet in height to which he refers, on the west bank of the Youzalem?

Lomatee Hills to Lomatee-tat-ya-hoing on the Youzalem.

Leaving the Youzalem on the 23d of December, Captain Watson commenced the ascent of the range of hills on its east bank, the highest point of which he reports to be 4,000 feet. The distance from the summit he does not mention; but as the whole march is a distance of 10 miles, and the portion of it which passed me precipitous heights, appears to have been quite at the end of the march; and after the descent of the range had been effected, it seems probable that about eight miles is the extent of the ascent and descent combined.

Marches eight miles northward from Lomatee-tat-ya-hoing.

Supposing the length of the ascent and descent to be each four miles, the gradient of the former is about 1 in 13½.

The level of the valley beyond this range is not stated, and the gradient of the descent cannot therefore be calculated.

There is every reason to anticipate that on this range, as on the first passed over after leaving Upper Baughta, the rate of incline may be very greatly reduced in the construction of a railroad; but, adding these eight miles to the four miles of difficult ground previously admitted, it amounts to 12 miles only out of 79 from Shway Gyeen.

I have not taken into consideration "the precipitous height" over which the road passes in the last portion of this day's march, as it is here that Captain Watson informs us they "might easily be avoided, by carrying the track along the sides of the hills."

On the 24th and 26th of December he reports having encountered the real difficulties of his journey; unfortunately, he was unable to ascertain the altitude of the highest point reached, "because the mountain barometer had been left behind." I imagine it, however, to have been the ridge which Mr. O'Riley refers to as forming the water-shed of the "Salween and Sittany Valleys," and which he states to be 5,000 feet above sea level.

Captain Watson encounters his first real difficulties.

The distance travelled in these two marches was 18 miles, being eight miles the first, and 10 miles the second day, though the actual distance, in a direct line, of the second day's march, is stated to be three or four miles only.

The information given of these two marches is very meagre. No inquiries are stated to have been made as to the possibility of avoiding the difficulties; and, since 10 miles were marched in one day over this difficult ground, it is evident that it was quite impossible, in such rapid progress, to ascertain much of the nature of the ground actually passed over, and still less of the features of the surrounding country.

The difficulties encountered in this portion of the precise native track marched over by Captain Watson, in the last 18 miles, may be admitted; but that they are unavoidable and impracticable, there is nothing in his report to show. It can only be proved by the result of an accurate and extended survey by competent surveyors.

The next march, on the 27th of December, is to the Wyn Choring, distant eight miles, and 105 miles from Shway Gyeen. There is nothing in this march presenting any fresh difficulty, since the road ascended "gradually" for about two miles, to which following a "very long" descent of four miles to the Wyn Choring, along which the road led for two miles to the encamping ground.

March to the Wyn Choring.

On the 28th of December a march of seven miles was made to the Kynoon Choring; and, as no obstacles were reported, none can be considered to exist.

Wyn Choring to the Kynoon Choring.

Kyoon Choring to the Kaima-pyoo-Choring.

On the 29th of December the Salween is reached, at the junction with it of the Kaima-pyoo Choring. The distance seems to have been about eight miles, and the road appears to have been good throughout, and the last portion of it is described as "most excellent, and along which," in contradiction of Mr. O'Riley's denial of the existence of an acre of level ground, "a carriage might be driven."

The distance of Captain Watson's camp on the Salween from Shway Gyeen, is about 120 miles, and from Rangoon 233½ miles.

Kaima-pyoo Choring to the Koon Choring.

He halted three days at the Kaima-pyoo Choring for the arrival of Mr. O'Riley, on the 1st of January 1864; and on the 2d moved forward up the right bank of the Salween, eight miles to the Koon Choring, and describes the road to be "very good the whole way."

The direction the railway should if possible follow from the Koon Choring.

From this point, about 128 miles from Shway Gyeen, the projected railway would, if feasible, continue along the right bank of the Salween, eastward of the route which Captain Watson then adopted, but the practicability of the right bank of the Salween has yet to be determined. I am not aware of any report having been made of the country northwards, along the banks of that river to the Takoo Ferry, from which the requisite information can be gathered. Assuming, however (which I do not expect from Captain Watson's favourable mention of the little of it which he did see), that actual survey proves it to be impracticable for a railway, the line can follow the route taken by Captain Watson from the Salween into the valley of the Mobyé river.

Koon Choring to Pah Paus' Hill and the Too Choring.

Reverting to his journal, under the date 3d of January, he continued to travel "along a good road for about 12 miles" to the foot of Pah Paus' Hill, and thence three miles to the Too Choring.

Captain Watson receives a letter from the Karenee Chief, urging him not to proceed along the Salween.

On the 4th of January he halted to meet the sons of Kyckphogyee, and here received the letter from the Eastern Karenee Chief, dissuading him from proceeding eastward along the Salween, the river he was deputed to survey. This, Captain Watson observes, "as matters have turned out, is all just as well, for we do not feel ourselves bound to make any further inquiries for imaginary roads on the east bank of the Salween." This is very ambiguous; I am not aware that any route by the east bank of the Salween, south of the Takoo Ferry, has ever been proposed for the railway. Captain Sprye's proposition most certainly suggests that the west or right bank should be followed to the point northward, where the Chinese caravan road crosses the river at the Takoo Ferry.

I have not yet learnt that suggestions or inquiries have been made regarding any other routes; and certainly their result has not been entered in Captain Watson's journal. He offers no reasons for abstaining from future inquiries regarding the country between the point of the Salween, which he reached, and the Takoo Ferry above named: and, as information thereof is so much needed, and must be supplied before it can be decided whether the railway shall follow, preferably the valley of the Mobyé or that of the Salween, it is, I think, much to be regretted that Captain Watson turned his back on the latter river immediately he reached it. The advantages of the Salween Valley route over that of the Mobyé, consist in its being shorter, since it forms but one side of the triangle, of which the Mobyé route forms the other two sides; and also that the range of hills forming the water-shed of the Mobyé and Salween Rivers, and which the Magwé line must cross, would be avoided.

The distance marched by Captain Watson on the 5th of January I understand, though it is not clearly stated, to be 10 miles; the road is described by him to be merely as "not very good."

On the 6th and 7th of January, 20 miles of excellent road brought the camp to Kyckphogyee's village.

The first eight miles of the road is stated to have been "well cleared and level;" and the remaining 12 miles "a scarcely perceptible ascent."

After halting on the 8th and 9th of January, Captain Watson marched on the 10th a distance of 10 miles to Dan-tha-dah, on the edge of the enormous plain that extends as far as Nyoung-Yuwé, and through which the Mobyé River runs.

The road throughout this march was "over gently undulating ground."

The edge of the Mobyé Valley is by his route 183 miles north-east of Shway Gyeen, and 297 miles from Rangoon.

On the 4th of January, by a march of eight miles, he reached the town of Ngwé-doring

From Kyckphogyee's village to Dan-tha-dak.

Dan-tha-dak to Ngwé-doring.

Ngwé-doring, distant 191 miles from Shway Gyeen, and 305 miles from Rangoon.

From this point it is unnecessary to follow Captain Watson's journal, for it is principally occupied with the account of his detention at Tulary, and subsequent journey with his party to Mandalay.

Unnecessary to follow the journal further.

We are shown from his official journal that he marched from Shway Gyeen to Ngwé-doring, a distance of 191 miles, including halts, in 32 days; and as he halted 12 days to procure supplies, arrange for carriage, and to await at the Kamia pyoo Choring the arrival of Mr. O'Riley, the entire journey occupied only 20 days, a rate of $9\frac{1}{2}$ miles a day. It is manifest that in so rapid a march by such a road, over such a country, no survey of it could be effected. And all that Messrs. O'Riley and Watson's reports amount to, so far as I have seen, is that the native tracks they followed are not, in their present state, available for wheel carriages.

The distance from Shway Gyeen to Ngwé-doring, 191 miles, was marched in 20 days.

It will be well here, then, that I should examine a little closely the physical character of the country between the Sittany and Salween Rivers, and the general direction of Mr. O'Riley and Captain Watson's route, as shown in the annexed map.

Physical character of the country between Sittany and Salween Rivers.

The hill ranges east of the Sittany have a very uniform direction, north-west and south-east, and this is very distinctly confirmed by Mr. O'Riley.

The spurs to the west of the several main ridges branch out in directions pretty nearly due south; if anything, a little west of south; while the spurs on the east side of these ridges have a direction a little south of east.

To cross these ridges from the Sittany an engineer would not select a road having a due easterly direction, but rather seek to approach from a south or slightly south-easterly direction, from whence gradually to ascend a spur on to the main ridge, thus avoiding the labour of crossing successive spurs, with their intervening deep valleys and ravines. In illustration of this it may be well to quote a passage from the paper on the Bhoire Ghaut Incline of the Great Indian Peninsular Railway, read at the Mechanics' Institution, Bombay, on the 21st December 1857, by James J. Berkeley, Esq., Chief Resident Engineer of the Great Indian Peninsular Railway. "It was a fortunate occurrence that he first entered its locality (the Bhoire Ghaut) as we were examining the country up the valley of the Oolassa towards Khandalla, for we thus approached the ghaut at the foot of a long spur, which is the particular feature that enabled us to obtain the present favourable incline. It was a comparatively easy task to trace a practicable route for the railway from that starting point; but had we, in the first instance, ascended to Khandalla by the short, steep, and tortuous mail road, and then examined the summit of the ghaut, with no approximate datum level to guide us, it would probably have been a work of greater difficulty and longer duration to have discovered the course which we subsequently adopted."

Again, having arrived at the summit of the ridge, the engineer would then change his course to an easterly direction, in order, gradually, to descend by one of the eastern spurs to the valley beyond.

We thus see that Captain Watson's route from Baughta to the Salween, following an easterly course, must be expected to cross successive spurs and broken ground; and this was actually found to be the case, until the ridge forming the water-shed of the Sittany and Youzalem Valleys was reached, when the easterly bearing was found to be a good one, and the descent was gradual the whole distance from Kyouktagha to the Youzalem.

I have little doubt that a somewhat similar easy descent is to be found from the Kyouktagha to the valley of the Sittany, entering the valley at a point considerably south of Baughta.

A principal point to be ascertained by survey is, whether the Kyouktagha is really the lowest pass in that ridge; very probably it is not; and, if a lower can be found, it is there the railroad must cross.

Mr. O'Riley states, that "the main ridges are connected by a confused mass of hills, without any uniformity of line or feature, and presenting a chaos of disturbance perfectly bewildering to contemplate;" yet this bewildering puzzle is easy of solution when it is borne in mind that in the valleys between the main ridges the east and west spurs of the respective ridges are thrown out and meet in different directions, abutting against, or nearly against each other, in apparent chaotic disturbance.

Mr. O'Riley's description of the features of the country.

It is over these almost interlacing spurs that the Baughta native track passes, and it is no matter of surprise that, in an ordinary march, the seeming difficulties of the route should appear unavoidable. Even a practised surveyor might be startled, until a more careful examination should reveal to him the clue to the difficulty.

Description of Karen paths similar to those passed over by Captain Watson.

I have travelled 20 miles to the north-east and 40 to the east of Shway Gyeen, and have ascended similar paths to some of those described by Captain Watson; so steep, indeed, have been some of them that, in ascending, the feet of the man only a few paces in my front have been above the level of my head; and when, after heavy toiling, we have reached the summit, and emerging into a little cleared space, expecting to see the hills towering up still higher to our right and left, we have been astonished to find ourselves, as it were, on the summit of a pinnacle looking down upon lower elevations and valleys on all sides.

Difficulties attending the selection of a line for a road in Burma.

I have also had some great experience in road surveying in British Burma; and, even in less difficult countries than that crossed by Captain Watson, I know by experience the great embarrassment there exists in selecting the best available line through dense forest jungle, where the view is limited to a few yards in every direction.

It is only by traversing and retraversing such ground in every direction that its actual formation can be ascertained, and the best line for a road discovered; and I therefore confidently assert that, though actuated by the most earnest desire to select a railway route, it was utterly impossible for Messrs. O'Riley and Watson to have succeeded during their hurried march across the country.

No obstacle to the construction of a railway in the Mobyé Valley.

After entering the valley of the Mobyé River, all obstacles to the construction of a railway are reported to vanish. Indeed, we are informed by Captain Watson, that there are no difficulties after the Salween has been reached; for he states in his letter to the Commissioner of the Tenassaim Division, British Burma, when forwarding his journal, that "with very little expense an excellent road can be made from the Salween, at the mouth of the Kaima-pyoo Choring, to Ngwé-doring;" and, that "a good road already exists between Ngwé-doring and Nyoung Yuwé, which is perfectly level;" and, further than this, he states, that "a tramway might be made along the valley of the Mobyé, with the greatest ease, to the 23d parallel of latitude," which is beyond the latitude of Mandalay.

A junction might be effected at Nyoung-Yuwé with Burman lines.

To be able to reach Nyoung Yuwé with a railway, will probably, however, be sufficient in that direction. The range of hills east of the valley of the Mobyé must be surveyed for an available exit for the railway, north-eastwards to the Takoo Ferry; but, if this cannot be found south of Nyoung Yuwé, it will be no objection, since that town will make an excellent point at which to effect junctions with lines from some point on the Irrawaddy, within or near to our frontier, and with Maudalay or any other town the King of Burma may desire to place in railway and telegraphic communication with Rangoon and Western China.

Nyoung Yuwé, we are told, is about 110 miles from Nywé-doring, and therefore 300 miles from Shway Gyeen, and 415 miles from Rangoon; and, in all this distance, 30 miles only have been shown to present any difficulties; and, of these, all that are of any importance are confined to a distance of 18 miles. Surely there is no impracticability in this; the most sanguine railway projectors could hardly have anticipated so few obstacles.

The passage of the Bhore and Thul Ghauts was condemned as impracticable.

Even the passage of the Bhore and Thul Ghauts was opposed by Mr. Chapman, the founder of railways in Western India, who, in 1851, wrote—"If thus I have not greatly mistaken the force of the facts and probabilities which have been adduced, it is scarcely possible to avoid the following conclusions:—

"1st. That it is impossible that even a really good common road will be found across the Northern Concan to the Thul Ghaut.

"2d. That if such a road be found, and used merely as a common road, it will not be a sufficient advance on the present state of things, or serve as an adequate basis for a general improvement of the cotton trade or the country." And in his letter to Mr. Stephenson regarding the Bhore Ghaut, in 1847, this passage appears: "The incline would probably be not less severe than one in five, certainly not less so, if my recollection be right, than 1 in 10." And yet the railway over this ghaut has actually been constructed with an average gradient

of

of 1 in 48, and with a maximum gradient of 1 in 37, which is also the maximum gradient in the Thul Ghaut.

Mr. Clarke also gave his opinion of the Thul Ghaut, in 1847, as follows :—

"The Basta is the river of the Thul Ghaut. I have ascended it from Callian to the junction of the Chumal. It affords, so far, a practicable, but by no means a straight or economical line. I ceased to follow it any higher, because, though suitable enough for a common road, it appeared to wind a good deal and to be connected with numerous ravines on its northern side, unfitting it for railway purposes. It appears to me to be in a very high degree improbable that any practicable line into the Deccan should exist between Mowlee and the Thul Ghaut and the Malsej."

And as regarding the Bhore Ghaut, he wrote,— "That the country between Kusoor and the Bhore Ghaut, and about the latter, is high and broken. The ravine north of the Bhore Ghaut, at the head of which stands the village of Kandalla, is no doubt perfectly accessible from Callian by the Oolassa, though not from Panwell; but the ground above, a part of which is traversed by the present road, is for six or seven miles almost, if not quite, impracticable. This is the final objection to the various ravines which cluster round the line of the Bhore Ghaut road."

The last 110 miles of the route to Nyoung Yuwé, is through densely populated and well cultivated country, level, and splendidly drained by the Mobyé River. The construction of the railway here must be comparatively inexpensive; and as the same will be the case through the 135 miles from Rangoon to Baughta, the gain in these portions, over ordinary outlay, as regards an average, will surely admit of some extra expense being incurred in overcoming whatever difficulties a proper survey may prove to exist, and to be unavoidable.

I am well aware it may be urged that I have assumed average gradients only; and that in some places they may be much steeper than I have allowed. True; but, with the very meagre information contained in the Reports before me, it is correctly calculated; and, after all, neither Captain Watson nor Mr. O'Riley are in a position to prove that these very steep places cannot be avoided.

Indeed, so evident was the facility of avoiding them in one place, where the road passed "over precipitious heights," that Captain Watson could not help noticing it on his march; and I am of an opinion a professional survey will show that in nearly all these precipitious ascents and descents, the road has led in a direction straight across spurs and detached hills, instead of following the direction of the former or contouring the latter.

In the paper read to the Bombay Mechanics' Institute by Mr. James Berkeley, above referred to, we find that the Bhore Ghaut mail road at the steep part of the ascent overcomes an elevation of 1,586 feet in 4 miles 50 yards; so that the average gradient of the road at this point, for that length, is one in 13½ feet; and further, "the ghaut road is only about 20 feet wide, and has a great number of very acute bends in it. Its steepest inclination is one foot in nine for 480 yards, but it presents also the following formidable gradients of—

1 in 10 for 1 mile, 360 yards.	1 in 14 for 1 mile, 350 yards.
1 in 11 " 770 "	1 in 15 " 390 "
1 in 12 " 770 "	1 in 16 and 1 in 20 for 890 "
1 in 13 " 380 "	

Account of the
Bhore Ghaut.

"Thus, the entire length of very severe inclinations upon this mountain road is 3 miles 870 yards out of 4 miles and 50 yards."

Moreover, to obtain even these gradients a considerable amount of engineering skill had been called into play; for we are informed by Mr. Chapman that the road "was obtained by means of considerable work;" and that in this distance of 3 miles 870 yards "about 40 well defined turns, besides less conspicuous curvatures" had been constructed. Evidently, that gentleman did not overrate the natural features of the ghaut, when he estimated that the incline for a railway would not be less than one in five; he merely under-estimated the engineering skill that actually overcame this ascent with a maximum gradient of 1 in 37.

It must be remembered, too, that in speaking of this incline, Mr. Chapman did not refer to the actual surface of the ascent but to the completed work,

when every possible contrivance should have reduced the difficulties to the greatest possible extent. Certainly, the obstacles presented to the passage of the Bhore Ghaut are infinitely greater than those which exist on the route followed by Captain Watson in British Burma.

The direct land route practicable, if no steeper gradients are required than are to be found on actually constructed railways.

Provided no steeper gradients are necessary than those in existing European, Indian, and American railways, I feel justified in asserting that the route to Western China, proposed by Captain Sprye, must be practicable for a railway.

At present, however, we have no reason to think that, even by the route Captain Watson followed, such gradients will be requisite.

In English railways we have, amongst others, the following gradients:—

Victoria Incline.

The Victoria Incline, Manchester, has a gradient of 1 in 49, and 1 in 59 for $1\frac{1}{4}$ miles.

Oldham Incline.

On the Oldham Incline, between Oldham and Manchester, the gradient is 1 in 27 for nearly a mile.

Lickey Incline.

The Lickey Incline is 2 miles and 3 chains in length; its gradient is 1 in 37.

Continental lines.

Amongst Continental railways we have, as examples, the Austrian line connecting Vienna with Trieste, and the Sardinian Railway between Turin and Genoa.

Summering Incline.

On the former, there is the Summering Incline between Payerbach and Murzzuschlag, the total distance between which places is 21.51 miles, the length of the level portion 2.04 miles, and the incline 19.47 miles.

The gradients are—

From Payerbach to Eichberg	1 in 46 for 3.848 miles.
„ Eichberg to Klamar	1 in 40 for 2.529 „
„ Klamar to Breitenstein	1 in 47 for 3.259 „
„ Breitenstein to Summering	1 in 50 for 3.754 „
„ Summering to Spital	1 in 50 for 4.454 „
„ Spital to Murzzuschlag	1 in 50 for 3.856 „

The average gradient from Payerbach to Summering, is 1 in 47 for 13.210 miles, and the maximum gradient, 1 in 40 for 2.529 miles; with no less than 14 curves of 14 chains radius, with scarcely any straight lengths.

The shortest radius of curve on the Summering Incline is nine chains.

The average load per train is 165 tons, which is moved at a speed of 11 $\frac{1}{4}$ miles per hour.

Grove Incline.

The Grove Incline was constructed to surmount the Appennines, near Genoa. It is six miles in length, and rises from 295 feet above the level of the Mediterranean to 1,184 feet.

The gradients are—

1 in 36 for 2.14 miles.	1 in 29 for .19 miles.
1 in 29 for 1.33 „	1 in 36 for .93 „
Horizontal .08 „	1 in 50 for 1.33 „

This line has been regularly worked for about 10 years. In fine weather the locomotives constructed by Messrs. Robert Stephenson & Co. of Newcastle, carry up 100 tons, and as a maximum 150 tons, at a speed of 15 miles per hour; while, in the worst weather, they never carry less than 70 tons, at the same speed.

Indian lines.

Amongst Indian lines, there are the Bhore and Thul Ghauts in the Syhadree Mountains or Western Ghauts, parallel to, and distant from the sea coast only about 30 miles, presenting an abrupt and volcanic scarp towards the sea, the lowest points of which are at an elevation of about 2,100 feet above the sea, while in many places the range reaches to an elevation of 5,000 feet above sea level.

Bhore Ghaut Incline.

The following is an extract from the description of the Bhore Ghaut Incline, which appears in a paper on “Indian Railways,” by James John Berkeley, M. Inst. C. E., published by permission of the Council of the Institution of Civil Engineers.

“It is 15 miles 68 chains in length, and the total rise is 1,831 feet; the average gradient is 1 in 48. The steepest gradients are 1 in 37, and 1 in 40; for a total length of 9 miles and 44 chains; 1 in 37, extends in one length for 1 mile 10 chains; and 1 in 40, for 5 miles 6 chains; short lengths of level gradients,

gradients, and of 1 in 330, are introduced into this incline to facilitate the ascent of the engine.

“At the 11th mile the incline is divided into two banks, by what is called a reversing station. This subdivision was not adopted for the purpose of making two banks of the incline, but of increasing the length of the base, in order to flatten the gradient and to reach a higher level, where it encountered the great feature of the Ghaut margin near Khandalla. Without the necessary expedient of the reversing station, the practicability of changing the direction of the line would have been confined to making curves of small radius; but with the device of the reversing station, the direction was altered at a very acute angle, by means of points and crossings.”

The following account of the Thul Ghaut is also extracted from the same Thul Ghaut
paper :— Incline.

"It is $9\frac{1}{2}$ miles in length, and has a total ascent of 972 feet. At the end of $3\frac{1}{2}$ miles there is a reversing station similar to that upon the Bhore Ghaut incline, by which the base was lengthened, the gradient flattened, and the incline divided into two banks. The steepest gradient is 1 in 37, for a length of 4 miles and 30 chains, and the same introduction of a level portion is adopted here as on the Bhore Ghaut.

“For my own part, I feel much confidence that gradients not steeper than those we have been examining can be obtained between the Sittang and Salween rivers, without even the necessity of tunnelling; but, otherwise, and should it be considered of importance to avoid the construction of any tunnels on the line, the expedients that have been followed in such cases in American and Continental railways can be resorted to, viz., that of working the steep inclines by stationary engines, or by locomotives especially constructed for the purpose. This method would not be applicable to any very great length of railway; but when, as in the case before us, the obstacles to be met are of a great local character, amounting in all to only 18 miles, where they can, by any possibility, be required out of 415 miles, there can be no objection to their employment; more especially as it will not admit of doubt that by far the greater portion of these 30 miles can be readily overcome with reasonable gradients, and that steep inclines can only be requisite for very short distances, where, under other circumstances, tunnels would be constructed.

Sharper gradients than the above will probably not be requisite on the direct land route.

In the Alleghany Portage Railway from Hollidaysburg to the summit level of the Alleghany range, at the point the railway crosses, the rise is 1,398 feet, of which 1204.62 feet are overcome by five inclined planes.

Alleghany Portage
Railway.

The length of these inclines, and the height overcome by each, are as follows:

Incline.				Length in Feet.	Gradient.	Rise Effected.
No. 1	-	-		2295·61	1 in 12·71	180·52 feet
„ 2	-	-		2720·80	1 in 14·35	189·5 „
„ 3	-	-		3116·92	1 in 10·13	307·6 „
„ 4	-	-		2655·01	1 in 10·19	260·5 „
„ 5	-	-		2628·6	1 in 10·18	266·5 „

This table shows that a height of 1204.62 feet is surmounted in a distance of 2.55 miles by inclined planes, having an average gradient of 1 in 11.51, and a maximum gradient of 1 in 10.13 in one length of 3116.92 feet.

In the São Paulo Railway, from Santos to Jundiahy, in Brazil, an elevation of 2,550 feet is overcome by a series of four inclines; in a distance of five miles the average gradient is 1 in 10, the maximum 1 in 9·75. The total length of this railway is 88 miles.

Sao Paulo Railway.

These inclines have only lately been completed, but trains ascend and descend them with perfect ease and security; the inclines are worked by stationary engines placed at the head of each incline. But it is understood that the engineer of the line, Mr. Branlees, proposes eventually to work them

by locomotive power, employing locomotives similar in construction to those invented by Mr. Fell for the Mount Ceniz Railway.

Mount Ceniz Rail-
way.

On this, the Mount Ceniz Railway, the gradients vary from 1 in 12 to 1 in 25 for 25½ miles, and from 1 to 26 to level for a distance of 22½ miles. Mr. Fell's engines have succeeded in taking trains up and down the steepest of these gradients, 1 in 12, with the greatest facility and safety.

What has been
accomplished in
America and else-
where successfully
may be effected in
Burma.

What has been accomplished in America and the Continent with success may surely be adopted in Burma and elsewhere; and it is evident that in mountainous districts, since steep gradients can be worked with facility and safety, by avoiding the necessity for viaducts, heavy embankments, and other costly works, less expense will be incurred in the formation of railways, and greater will be the chance of their being satisfactorily executed.

Still, it is most probable that an accurate survey will discover a line without gradients requiring especial provision for motive power.

Steep mountains
may be ascended
by "zigzags."

There is no doubt that very steep mountains may be ascended by comparative easy gradients, by the introduction of the reversing stations employed by Mr. Berkeley on the Bhore and Thul Ghauts, or, as they are called on the American lines, "zigzags;" by a construction of a series of these zigzags of inclined planes from right to left, and the reverse alternately, up the face of the hill, each incline terminating in a level space, the gradient of ascent and descent will be so reduced as to enable an ordinary locomotive engine to draw the train up one incline on to the terminating level, back it up the next incline to the second level, and so through the series.

Experience shows that there is nothing impracticable in the construction and working of inclined planes over very formidable ranges, and that such inclines are not so expensive in construction as to cause hesitation on that score.

Comparative cost
of railway over
mountains.

The Alleghany Portage Railway, which is a double line of railway, cost 14,700 £. per mile, or one-third more than the Columbia and Philadelphia Railway, also a double line and a continuation of the Portage Railway.

The length of the Portage Railway is only 36 miles.

Shows to what extent the cost per mile of the direct land
route, so far as Nyong-Juwé, would probably be
increased by the additional expenses to be incurred in
overcoming obstacles in 30 miles.

I have shown from Captain Watson's journal, that from Rangoon to Nyong-Juwé, supposing the "direct land route" to follow that line, is a distance of 415 miles, and that in this he passed over only 30 miles of difficult ground.

Well, admitting that the cost of constructing the tramway over these 30 miles will be one-third more per mile than for the cost per mile of the other 385 miles, then to overcome the difficulties in the 30 miles, the average cost per mile of the whole distance has very slightly to be increased.

Thus, supposing the ordinary cost of construction of 415 miles to be 5,000 £. per mile, the extra local expenses incurred on 30 miles would raise the average cost on the whole distance to 5,120 £. per mile.

Possible cost of the
railway.

A few remarks on the possible cost of the railway may here be appropriate.

Nothing of the kind having yet been constructed in British Burma, we have little data on which to found positive calculations; but we probably have information sufficient to glean some idea of what the comparative cost may be in reference to railways in other countries.

Cost of the Columbia
and Philadelphia
Railway.

The Columbia and Philadelphia line, which was constructed much on the principle of English railways, cost 10,000 £. per mile, as compared with British railways; but as, in England, heavy sums are paid for land, Parliamentary, and preliminary expenses, the comparison should only be made between the cost of the actual construction of the railway proper. This, on the Columbia and Philadelphia Railway, amounted to 5,400 £. per mile, very little below that of several British lines.

This shows that, for railways of similar construction, the cost in England and America is much the same.

Average cost of the
upper works of
American railways.

But the upper works of the American railways are not generally of so expensive a character as in the above example; and 4,000 £. has been estimated as the average total cost per mile of American lines.

Nature of the con-
struction of Ameri-
can railways, and
its effect on the cost.

This low average is occasioned, not by the cost of labour, which is higher in America than in England, but by the less expensive style of construction adopted. Bridges of timber are largely used, instead of the costly brick, stone, and iron structures common in England.

The extensive introduction of timber viaducts on American lines renders embankments and long cuttings to a great extent unnecessary for the crossing of deep ravines at a low level, which is imperative where stone enters largely into the construction of railway works; and generally, railways in America are constructed throughout in a more rough and less expensive style than English railways.

In such construction, the cost of maintenance is necessarily greater than on railways of more substantial character. But if a prudent, safe limit be fixed to the economy admitted in construction, with reference to the consequent increased working expenses of the railway, in a new country at least, it is desirable that the outlay for construction should be as small as possible, in order rather to open out the country than to expend the capital in the construction of works of very substantial character.

The cost of maintenance high on American lines.

There is no doubt that a line which will pay 10 to 15 per cent., and last only 20 years, must be preferable to one which lasts 10 times as long, and barely pays 2 or 3 per cent. of its cost.

I have confined my remarks to *double* lines of railway, to ascertain the relative cost of English and American lines; but to establish a comparison with the proposed line in Burma, which will at first be *single*, we must take American single lines into consideration.

The average total cost of single lines in America per mile, laid with plate rails on timber strings, is 3,000*l.* only.

American single lines; their cost.

In British Burma we have much the same conditions of construction as in America, in the nature of the country traversed, and the large provision of timber throughout it.

Application to British Burma.

The comparative cost of labour is not difficult to arrive at. I have no statement of the actual cost of labour employed on railways in America, but Captain Galton mentions as one reason why the cost of maintenance of American lines is higher than for English lines, that it is "partly due to the higher value of labour."

Now, though the hire of native labourers in Burma is much less than that of English labourers in England, yet their effective work falls far short of the result obtained in England; so that a greater number would be required to execute a similar amount of work; and the value of such work is actually much the same in both countries.

Comparative value of unskilled labour in Burma.

For instance, the average cost of common excavation per cubic yard in England is 6*d.*; in Burma it is one rupee (two shillings) per 100 cubic feet, which is as nearly as possible 6*d.* per cubic yard.

Thus, the cost of Burmese unskilled labour is not so high as American, but skilled labour in British Burma will not, I imagine, compare quite so favourably; and the cost of all iron and metal work will be in excess of similar work in America.

Value of skilled labour.

Still, it is difficult to imagine that the total cost of construction in British Burma will much exceed that in America; 25 per cent. in excess must therefore be a liberal margin to allow on ordinary lines. But a complete scientific survey can alone furnish data for a reliable estimate, as such a survey may bring to notice many facts not now apparent, which would materially affect the cost of construction.

In several respects the country offers peculiar advantages for railway construction.

Advantages afforded for railway construction.

Amongst other rocks, both limestone and laterite abound; of the good qualities of both I can speak from experience. The former yields an excellent lime for building purposes.

The latter, a rock peculiar to India generally, is nowhere to be found of so excellent a quality as in the Marataban District, especially in the neighbourhood of Sittany and Shavay-Gyeen. I observe that in the Civil Commissioner's Administration Report of 1863-64, he remarks that Mr. Theobald, of the Geological Department, had discovered at Sittany laterite of a very superior description. I have long been aware of the existence of this laterite, but the expense of conveying it to Rangoon has prevented me hitherto from introducing it there. But as far back as 1855 I had made successful use of it at Sittany, where I built the magazine of this stone; and Colonel Blake, who has

for some years held military commands in that district, has several times testified to the fact of the Sittany magazine being, without exception, the driest magazine in British Burma.

As for bricks, the pagodas and fort walls from the earliest periods have been built of them, and they are now being extensively manufactured in Rangoon and other of the principal stations.

The vast forests passed through supply teak, pyengadow (ironwood, English), and fir trees in unlimited quantities. The latter, Captain Watson mentions to be upwards of 10 feet in girth, adding that one he had measured was 13 $\frac{1}{2}$ feet.

Agents of Indian railways arrange for supply of sleepers from Burma.

Already the agents of the Indian railways are making arrangements for the supply of pyengadow sleepers from Burma. Their cost, delivered in Calcutta, cannot be less than 3s. per cubic foot, whereas, *in situ*, in the forests of British Burma, their cost per cubic foot does not exceed 9d.! This is within my own knowledge; for under orders of the Government of India, issued in consequence of a Report I submitted on the suitability of pyengadow timber for railway sleepers, I forwarded, in 1860, from Rangoon to Calcutta, 1,000 sleepers as an experiment, which has resulted in the present demand for them.

Difficulty of procuring labour not so great as imagined.

It may thus be safely estimated that on lines of railway in Burma the cost price of sleepers will be 300 per cent. cheaper than on the Indian lines.

It has been surmised that a difficulty may be experienced in procuring labour sufficient for the construction of the railway in British Burma. At the commencement this difficulty may be in some degree experienced; but I do not anticipate that it would long continue. A regular demand will create the supply.

Every year shiploads of coolies are imported from the coasts of the Indian Peninsula, most of whom, finding employment after a time to be uncertain and by no means continuous, feel no inducement to settle in the country, and therefore return to India.

The construction of the railway, and the easy access it will give, when finished, to much of the now uncultivated waste lands of the Pegu and Marataban Provinces, would offer continuous and permanent employment to these immigrants; for, as the line is constructed, and stations established in eligible positions, a few miles apart, many of the workpeople on the line would be induced to settle around them as cultivators, to have the advantage of sending the produce to the principal markets through which the railway would pass.

Effect of the construction of railways in America on the population of the country.

This was especially the case on the American lines; and the progress of railways in every other country proves that they invariably promote the peopling and cultivation of such rich and uninhabited lands as they may pass through, than which none are richer than those of Pegu and Marataban.

Thus, in the Report on American Railways made by Captain Galton, R.E., to the Board of Trade, in 1857, referring to the Illinois Central Railway, he writes: "When the line was first opened, the country was nearly uninhabited; stations were placed at every eight or ten miles, round which villages, and in some cases towns, have sprung up, and fields of corn and herds of cattle are now to be seen on every side."

The same would no doubt occur in British Burma.

Commercial benefits.

The commercial benefits that must accrue, both to British and British Indian trade, by such a commercial approach to the populous and productive Western Provinces of China across our Burman possessions, and the adjoining Shan States, is now too generally admitted, and has been so fully expatiated upon by those conversant with this part of the subject, that any remarks thereon by me would be superfluous, especially as I have drawn up this memorandum solely to show the fallacy of the opinion that the most direct if not the only line by which we can ever hope successfully to establish commercial intercourse with Western China is impracticable; and to show the many good reasons which exist for a thorough survey of the line being now undertaken, and how hopeful are the prospects of the result of such survey.

Conclusion.

After a very careful consideration of the entire subject, giving to all the arguments and statements of objectors their full weight, I do not hesitate to record it as my professional opinion, founded on my own personal knowledge of

of the features of the country to be traversed, acquired during a residence of nearly 12 years in British Burma, that the "direct land route" suggested by Captain Sprye, from Rangoon to Kiang-Hung *via* the Takoo Ferry, has in no way been shown to be impracticable, but, on the contrary, that what is before me in support of such an opinion tends strongly to establish the very reverse, the perfect practicability of the route for a railway; and, since such thorough survey of the route cannot be expensive beyond its utility, the vast importance of the object to be obtained is such as fully to warrant the outlay incident to a careful survey, and the submission of the results to the British Government.

J. Williams,
Captain, Her Majesty's Indian Army,
Executive Engineer, Rangoon Division, British Burma.

COPY of MEMORANDUM by Captain *Williams*,
Inspector of Public Works, Rangoon Division,
British Burma, upon RAILWAY COMMUNICA-
TION between *Rangoon* and *Western China*,
with MAP relating thereto.

(*Sir James Fergusson.*)

Ordered, by The House of Commons, to be Printed,
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EAST INDIA (SANITARY COMMISSION).

RETURN to an Address of the Honourable The House of Commons,
dated 27 February 1865;—for,

“COPY of DESPATCH of the Government of *India* on the REPORT of the ROYAL SANITARY COMMISSION for *India*.”

Military Department, India Office, }
2 March 1865. }

T. T. PEARS, Major General,
Military Secretary.

No. 459 of 1864.—Military Department.

(Separate.)

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Her Majesty's
Secretary of State for India.

Sir,

WE have had the honour to receive your Despatch, dated the 30th June last, No. 210, acknowledging our letter of the 15th of the previous April, and informing us that you desired to receive an expression of our views on the Report of the Royal Sanitary Commission for India, in the shape of a despatch from our Government.

2. The Report of the Royal Commission has had our careful consideration, and you are aware that in consequence of your directions accompanying the Report, the appointment of a permanent Sanitary Commission in each Presidency has taken place, from the establishment of which we anticipate much benefit.

3. The two most important measures referred to, viz., a revision of the whole distribution of the army in India, in view to placing the troops as far as possible in healthy positions, and the construction of greatly improved barracks, have been for a long time past under consideration, and we hope to communicate to you shortly the result of our deliberations.

4. You are also aware that many measures for the improvement of the condition and accommodation of the soldier have been either carried out of late years, or are now in contemplation, the results of which have already been highly satisfactory in reducing the rate of mortality; and we have every confidence that by a perseverance in carrying into effect judicious measures of a sanitary nature, the mortality will be still further diminished.

5. There are three points connected with the Report of the Royal Sanitary Commission on which it seems necessary for us to offer remarks:

I. The alleged death rate of the British Army in India.

II. The alleged want of care in the selection of the sites for cantonments.

III. The absence from the Report of a recognition of the various efforts made in India to improve the health and general condition of the British soldier.

6. With respect to the first point just adverted to, we presume it is not to be questioned that the Report of the Sanitary Commission has led to the conclusion that the average death rate of the British army in India is now 69 per 1,000 annually. A very careful perusal of the Report of the Royal Commission and examination of details will, it is true, lead to the conclusion that the existing

death rate cannot be 69 per 1,000; but without such careful examination the readers of the extracts quoted below* must necessarily be under the impression that now 69 men out of every thousand of the British army in India die annually.

7. We consider it a matter of great regret that so erroneous an impression should have been created, for that it is erroneous we hope most conclusively to show.

See pages 18 and 19 of the Report.

8. The Royal Commission arrive at the average of 69 per 1,000 by taking the whole of the deaths of the Royal Army in India from the years 1817 to 1855, and those in the European forces of the East India Company from 1800 to 1856, and the result is, that on the strength of troops, there was an average mortality of 69 per 1,000, and this is in the extracts just given, stated to be the "present rate of mortality."

9. Reflection will show, that with the improvements that have been proceeding during recent years in everything connected with the army, the mortality is likely to be decreasing, and that an average of deaths, including the earlier portion of this century, will not fairly represent the present rate of mortality in the British army in India, any more than it would be practicable to ascertain, by a similar process, the present average death rate of the civil population of Great Britain.

10. This high average of 69 per 1,000 is derived from a period which includes, as respects the Company's troops, the Mahratta war in 1804, when the deaths rose to 134 per 1,000. It includes for both Royal and Company's armies long and frequent periods of war, such as the Burmese war of 1824-25-26, when the British soldier perished by hundreds in the swamps of the Irrawaddy; all the casualties in actions like that of Chillianwallah, where 230 men in one regiment were killed outright in one day, and a disaster like that of Cabul, where only a handful of survivors remained from a regiment of British infantry and a troop of horse artillery.

11. It is admitted by the Royal Commission, that some proportion of the deaths must be allowed to be entirely attributable to field service, and Sir A. Tulloch assigns 10 per 1,000 of the casualties of the Royal Army, from 1817 to 1855, as due to the various wars, but it is not clear how this estimate is arrived at. It may be possible to ascertain how many men are actually killed in

* Extract pages 31 and 32 of the Report.—"The table shows that on an average in the stations of Bengal 84 men in a battalion of 1,000 men were constantly in hospital. We have not illustrated this by a diagram, but it is easy to conceive the facts; 1,000 men are at a station; 84 of their number are sick in hospital, where 69 die annually."

Extract page 19 of the Report.—"The mortality rate was as high as 134 in 1804, in the first Mahratta war, and it was as low as 41 in 1852. It was high again in the years of mutiny, and it has been subsequently lower than the Indian standard. From the rate of 55 in 1770-99, the rate rose to 85 in the 30 years, 1800-29; and the mortality fell to 58 in the 27 years, 1830-56; so that the death rate of the British soldier, since the first occupation of the country down to the present day, has oscillated round 69 per 1,000."

"If the mortality is set down at 69 in 1,000, it follows that, besides deaths by natural causes, 61, or taking the English standard, 60 head per 1,000 of our troops perish in India annually. It is at that expense that we have held dominion there for a century; a company out of every regiment has been sacrificed every 20 months. These companies fade away in the prime of life; leave few children; and have to be replaced, at great cost, by successive shiploads of recruits."

Extract page 56 of the Report.—"The mortality of the non-commissioned officers and men during a long series of years has fluctuated, and has been on an average at the rate of 69 in 1,000. The mortality of men in England at the soldier's age is at the rate of nine in 1,000. Sixty in every 1,000 men were killed annually in India by the causes there in operation; the numbers slain in battle being few compared with the deaths by fevers, dysentery, liver disease, and cholera."

Extract page 165 of the Report.—"The statistical evidence shows that the mortality varies from 11½ per cent. in the most unhealthy, to about two per cent. in the most healthy, places, even in their present unimproved state. It has been estimated that the lowest of these rates, or two per cent. (double the rate at home stations since the introduction of sanitary improvements) may be taken as the possible mortality under improved sanitary conditions."

"The annual death rate for the whole of India has hitherto been about 69 per 1,000. The proposed European establishment is 73,000 men, and will, at the present rate of mortality, require 5,037 recruits per annum to fill up the vacancies caused by death alone."

"A death rate of 20 per 1,000 would require only 1,460 recruits per annum, so that the excess of mortality is 3,570 lives per annum."

in action or die of wounds, but it can hardly be possible to estimate how many men die from sickness brought on by field service, or who die perhaps years after the service from diseases contracted in the field.

For instance, how can it be known what number of men died after, perhaps years after, the Burmese war from diseases which were sown in their constitutions during that fatal campaign?

12. The large additional mortality that arises from the exposure and fatigue of field service may be judged of from the fact, that 111 men per 1,000 of the British troops in Bengal died in the year 1858, during the greater portion of which year the majority of the troops were in the field, while in the year 1860, when there was no field service, the deaths only amounted to 36·77 per 1,000, notwithstanding a severe outbreak of cholera, to which disease one-third of the whole of the deaths in that year are attributable.

13. It is further to be observed, that of the deaths in 1858, at the rate of 111 per 1,000, not one in 13 is included under the heads of killed in action or died of wounds.

14. Looking, therefore, to the improvements of late years in the treatment of the soldier, as well as to the fact of the numerous wars that have so greatly increased the mortality in the army in India, we cannot consider that it was correct thus to fix 69 as the present death rate of the British army in India, still less can it be correct to contrast this assumed rate of 69 per 1,000, extending over remote periods when sanitary science was not attended to and when war was raging, with the peace average of the British army at home and in the colonies from 1839 to 1853, when sanitary science was making progress, or with the English standard of mortality of the present day. This comparison is drawn in the extract given below.*

15. Such comparisons as those drawn by the Commission, while manifestly incorrect, must have a bad effect, and are certainly calculated to deter any man of ordinary prudence from entering an army where his prospect of surviving for a few years is so slight.

16. We will now give a few facts tending to show the actual death rate of the British soldier in India; and, first, we will refer to the Report of the British Army Medical Department for 1861, published at the War Office.

In this year it will be recollected that a most disastrous outbreak of cholera, rarely exceeded in severity, occurred at Meean Meer, Gwalior, Agra, and several other stations in Bengal, extending to some stations of the Bombay Presidency, and this greatly tended to swell the ratio of deaths to strength.

The deaths to strength, as given at page 108 of this Report, in the year 1861, were as follows:—

In Bengal—45·57 per 1,000, on an average strength of 34,483 Royal troops.

In Madras—15·83 per 1,000, on an average strength of 10,739 Royal troops.

In

* Extract page 17 of the Report.—“Now the mortality of men of the soldier's age in the healthy parts of England and Wales is such that, on an average, eight die annually to 1,000 living.”

“Half the population of England and Wales is concentrated in town and city parishes, under many unfavourable conditions, and the annual mortality of Englishmen of the soldiers' ages is nine in 1,000.

“The mortality of men of the same ages in the unhealthiest towns of England, and in the unhealthiest trades, is at the rate of 12 in 1,000.

“Thus the mortality varies in different cases; and as it rises from eight to nine and 12, unfavourable sanitary conditions are discovered, accounting for every degree of increase. The same principle holds in the mortality of the British army at home, which was at the rate of 17 per 1,000 annually, and is now declining in proportion as the causes of disease are abolished or mitigated.

“The mortality of the non-commissioned officers and men serving in the British army abroad in the four years, 1857–60, was at the rate of 41 in 1,000; of the officers the mortality was 30 in 1,000.

“The annual mortality of officers serving at home and abroad was 17; of non-commissioned officers and men, 33 in 1,000, during the years 1839–53, of European peace.”

DESPATCH RELATIVE TO THE REPORT OF THE

In Bombay—24·72 per 1,000, on an average strength of 8,860, or in all India 36·74 per 1,000, on an average strength of 57,082.

17. The foregoing, from a reference to the same Report, appears to have been a higher mortality than in 1860 for Bengal, but a lower rate than that which prevailed in the latter year in Madras and Bombay; the deaths in 1860 per 1,000 having been—

Bengal	-	-	-	-	-	39·37.
Madras	-	-	-	-	-	22·63.
Bombay	-	-	-	-	-	31·70.

Cholera, it is to be observed, prevailed to a considerable extent in 1860, though not so fatally as in 1861, when, of the 45·57 deaths per 1,000 in Bengal, rather more than half were caused by spasmodic cholera.

18. The foregoing statement of deaths in 1860-61 includes all those that took place among invalids on their passage home, or at the invalid depôts shortly after the arrival of the invalids at home.

19. It thus appears that in a year of excessive mortality the deaths did not reach to within 23 per 1,000 of the number stated by the Commission to be the present death rate of the army in India.

20. Even in this year, where cholera did not prevail, the mortality was small, being less than 20 per 1,000, at the following 20 stations out of 46 occupied by British troops in Bengal.

STATIONS.	Average Annual Strength.	Deaths per Thousand.	STATIONS.	Average Annual Strength.	Deaths per Thousand.
Hazareebagh - - -	939	12·82	Futtehgurh - - -	419	14·32
Gorruckpore - - -	900	17·18	Dugshai - - -	944	6·35
Saugor - - -	666	12·01	Jullundur - - -	939	8·52
Nowgong - - -	236	12·71	Ferozepore - - -	848	10·61
Seetapore - - -	624	11·22	Sealkote - - -	1,330	9·77
Lucknow - - -	1,827	13·14	Rawul Pindee - - -	1,834	8·18
Roy Bareilly - - -	504	15·87	Campbellpore - - -	190	15·79
Fyzabad - - -	1,106	6·33	Nowshera - - -	633	9·48
Shahjehanpore - - -	423	7·09	Peshawur - - -	1,604	9·97
Bareilly - - -	1,146	13·96			

21. It is to be remarked that the Army Medical Report, from which the foregoing information is taken, does not include the European forces of the Indian army who had not been in 1861 completely absorbed in the British army, but who have ordinarily been at least as healthy as the Royal troops.

22. The next Return available is one prepared last year in the office of the Principal Inspector General, Medical Department, Calcutta, showing the sickness and mortality in the European troops at the principal stations of the Bengal Presidency for the four years ending 30th September 1862. This Return does not include a proportion of the troops in smaller or temporarily occupied cantonments, and therefore does not give the statistics of the whole army, but the number excluded is, during the four years, less than a tenth of those who are included, and as strength and deaths are alike excluded, the general result, it may be presumed, would be much the same if all alike had been included.

23. The four years here taken, it is hardly necessary to say, were most unfavourable, commencing in September 1858, when troops were in the field in many parts of the country, a large portion of them being not housed till the year 1859 was far advanced. Numbers of the troops must have taken into quarters with them the germs of disease contracted in the field in the hot season and rains of 1857 and 1858. In fact, the whole British army was more or less exhausted by a protracted Indian war. Many of the barracks were temporary buildings hastily constructed under the pressure of the times, and two-thirds of the army were unacclimatised and unused to the country and its ways, while several regiments were composed of hastily raised recruits, sent to India in the previous

previous hot season, to be formed, disciplined, and cared for by officers who had no previous experience with British soldiers.

These circumstances would account for a very high rate of mortality, not only in 1859, but also, though in less degree, in the years immediately following; but in addition, there were smart outbreaks of cholera in 1860 and 1862, while in 1861 occurred the fearful visitation of that disease before alluded to.

24. It may, therefore, be fairly asserted that the four years now under review are years in which the mortality may be regarded as considerably above the average rate, but yet it will be seen that the loss in each particular year, and of course the general average loss, is very far below the estimate formed by the Royal Sanitary Commission. We are alluding to Bengal alone, but the addition of Madras and Bombay would undoubtedly reduce the average ratio of mortality to strength.

25. From an abstract prepared at the end of the Return now under reference, the following figures are gathered:

YEAR.	Average Annual Strength.	Deaths per 1,000		Total Deaths per 1,000.
		From Cholera.	All other Causes.	
1859 - - - - -	43,182	0·69	34·31	35
1860 - - - - -	44,623	9·92	21·18	31·10
1861* - - - - -	36,876	24·09	21·27	45·36
1862 - - - - -	38,336	6·07	13·90	20·97
For the whole four years - - -	- - -	11·64	21·34	32·98

Or, notwithstanding all disadvantages, less than half the death rate assigned by the Commission.

26. The total number of deaths in these four years, it will be seen from the abstract at the end of the Return, was 5,377, of which no less than 1,898 were from cholera, or more than a third.

27. In 1862 there was a considerable improvement, for with an average strength of 38,336 men (and amongst those here included are the sickly soldiers sent from all places to convalescent depôts) the mortality was 804, of which 233 deaths were from cholera, giving a total death rate of just under 21 per 1,000, or below 15 per 1,000 exclusive of cholera.

28. We may here advert to an erroneous conclusion at page 165 of the Sanitary Commission's Report, on a very important subject. It is there stated that the European establishment of 73,000 men will, "at the present rate of mortality, require 5,037 recruits per annum to fill up the vacancies caused by death alone."

It has already been shown that taking four very unfavourable years, the total deaths on an average of 41,769 men were 5,377, or calculating the strength and deaths of four years as for one year, the deaths among 163,117 men only exceeded by 250 that which the Commission take to be the present annual death rate of 73,000 men.

29. But in 1862 the deaths among 38,336 men in Bengal were 804 from all causes. There were in Madras 225 deaths, and in Bombay 259, in each case including cholera casualties. About 4,000 men are not included in the Returns, and taking their death rate at 30 per 1,000 (a higher rate than actually prevailed

* Note.—Although the Army Medical Department Report for 1861 only includes soldiers of the Royal army, while this Return includes Royal and local European troops at the principal stations, the proportion of deaths to strength from cholera and other causes is almost identical

vailed in any Presidency) we have 1,408 deaths in an army of over 70,000 men, instead of "5,037" said to be the number dying annually.

30. In fact, the hope of the Sanitary Commission that, by improved sanitary arrangements, the death rate may be reduced to 20 per 1,000, and thus only 1,460 recruits be needed annually to replace death vacancies in India, was practically realised before the publication of their Report; as it does not appear that so many as 1,460 men died in 1862, in an establishment of nearly the strength (73,000 men) estimated by the Commission; nor does it appear, as will be seen subsequently, that the number of 1,460 has been reached in 1863.

31. The next Return to which we would refer, to show the inaccuracy of the death rates laid down by the Commission, is of an elaborate and useful nature, completed for the five years ending with 1863, and compiled in the office of the Principal Inspector General, Medical Department in Bengal.

32. A reference to the year 1858 is curiously illustrative of what has before been referred to, viz., the great effect in increasing the averages that is produced by the exposure of troops on field service in bad seasons, independently of deaths by the bullet or sword, all of which were calculated by the Sanitary Commission to make up their high average rate. It appears in fact, that in 1858 no less than 111·07 per 1,000 died during a year of arduous service as far as fatigue and exposure were concerned—the number of casualties in action or as the effect of wounds being not a thirteenth of the whole; while in 1863, a period of peace, and when time had been given for the men broken down in service to have died or been invalided, the death rate was only 22·49 from all causes.

33. An examination of the causes and circumstances of the deaths in 1858 will more clearly show how excessive mortality arises from active service at bad seasons.

For instance, while 151 men died in Bengal in January 1858, 100 in February, and 164 in December, no less than 951 fell in May under the burning sun to which troops were then exposed on service in many parts of the Bengal Presidency.

34. As from the seasons, so from the nature of diseases, do we see the effects of service, for, throughout 1858, dysentery, so fatal to campaigners in India, carried off 1,188 men, and diarrhoea 286, out of an average strength of 43,771, or nearly 34 per 1,000, while 941 men died of apoplexy, or more than 21 per 1,000.

If we turn to two years of peace, we see the difference. In 1862, 114 men died of dysentery, and 39 of diarrhoea, or 3·57 per 1,000, and 53 of apoplexy, or 1·23 per 1,000.

In 1863, 159 died of dysentery and diarrhoea, and 53 again of apoplexy, in each case nearly the same numbers and the same proportions as in the previous year.

35. These facts show very conclusively that to include the mortality of years of exceptional war in an estimate of the present mortality of India leads to wrong conclusions, still more so when the comparison is drawn between the mortality of India including such period, and that of England in time of peace.

36. From the Return now under notice, it will be seen how, with returning peace, and as accommodation became available for the largely increased numbers of European troops, mortality decreased. During the earlier part of 1859 troops were in the field, but though some continued unsheltered, the majority were housed by May, and the mortality of the year fell, including 76 deaths of men not treated in hospital, to 45·35 per 1,000, as against the mortality of 111 per 1,000 in 1858. Cholera, however, destroyed 8·67 per 1,000 of the above.

37. In 1860, though cholera was very destructive, and killed more than 12 per 1,000, the mortality fell to 35·64, while with the fearful outbreak of cholera in 1861, which carried off 23·73 per 1,000, the mortality was 44·77 per 1,000.

In 1862, though cholera was still prevalent, carrying off 9·61 per 1,000, the total mortality in a force of 42,980 men was only at the rate of 26·82, while in 1863 it had fallen to 22·49 per 1,000, of which 4·09 were from cholera. In this year nine stations out of the 46 occupied by British troops in Bengal had a

less mortality than 10 per 1,000, and 24 stations had a mortality of between 10 and 20 per 1,000.

38. In the foregoing remarks it will be observed that Bengal has alone been referred to. In this Presidency it will be seen that the rate of mortality, so far from being at present 69 per 1,000, is not much more than the rate of 20 per 1,000 hoped for by the Royal Commission as the result of very improved sanitary arrangements.

39. In Bombay, from the Report of the President of the Sanitary Commission of that Presidency, dated 11th June 1864, it appears that in the last 15 years the average rate of mortality has been 29·6 per 1,000; in the last 10 years 27·1; in the last five years 23·7; in the last four years 20·9; in the last three years 17·5; in the last two years 16·3; while in 1863 (in which year there was great freedom from cholera) it had fallen to 12·06 per 1,000.

40. In Madras again, from the Army Medical Report of 1861, the deaths are seen to have been in 1860 rather under 18 per 1,000; in 1861, 22·63 per 1,000; and by a Return furnished to the Secretary of State, the deaths in this Presidency were again 18 per 1,000 in 1862.

From a Return recently sent by the Madras Government to the Secretary of State, it further appears that during the five years 1859 to 1863 inclusive, the mortality averaged less than 20 per 1,000 at each of the following military stations: Trichinopoly, Wellington, Bangalore, Cannanore, Bellary, Trimulgherry, Jaulnah, Kamptee, Rangoon, Tonghoo, and Singapore.

41. We hope it has now been satisfactorily shown that the present rate of mortality of the whole British army in India is not much over 20 per 1,000, and we entertain a confident hope that by constructing improved barracks, and as railway communication becomes more developed, by withdrawing troops from some of the less healthy localities, the mortality will ordinarily be even less than 20 per 1,000.

42. In connection with the subject of the progressive decrease in the rate of mortality, it is satisfactory to see that the present death rate in India is now considerably below that of the British soldier in England and the Colonies not many years ago, see page 17, Royal Sanitary Commission Report.

43. We also desire to refer briefly to the erroneous impression as to the unhealthiness of various places as given at pages 52 and 53 of the Sanitary Commission Report.

Fort William is there stated to have lost at the rate of 102 per 1,000 for 10 years, and for long periods at the rate of 68 and 69 per 1,000. This average is arrived at from old periods when the present improved barracks had not been constructed. The mortality of 1863 in Fort William was only 22·82 from all causes; in 1862, 35·23 (including 14·77 from cholera), and 1861, 21·78.

Again, at Dinapore for 22 years the mortality is said to have been 78 per 1,000. It appears in 1863 to have been only 11·89; in 1862, 15·27; in 1861, 23, instead of the high rates derived from records of old periods.

The statements of the Commission, therefore, give an unduly bad estimate of the present sanitary condition of these as well as of other stations.

44. We will now advert to the selection of sites for cantonments. Certain opinions appear to have been accepted by the Commission, to the effect that these selections were made without care and often by chance.

His Excellency the Governor General shares in this opinion, which is not, however, concurred in by the members of his Excellency's Council, who believe that care has generally been exercised on such selections; and considering that the selections of sites have generally had to be made hurriedly at the end of a campaign, and with the hot season coming on, when some shelter was immediately required, and that often the country was little known at the time selections had to be made, the members of his Excellency's Council consider that the selections made, especially during the last 25 years, have, as a rule, turned out well.

45. The members of his Excellency's Council further observe that it has been necessary, on grounds of public policy, to place troops in districts not considered healthy, but that in such cases the most eligible point appears generally to have been selected.

A Minute by His Excellency the Governor General on this subject is attached to this letter.

46. With respect to the selection of cantonments during the last quarter of a century, Ferozepore and Umballah were chosen greatly on account of political considerations, but both have proved healthy. The former station has had a remarkable immunity from cholera, and the largest number of deaths in any one of the last five years has been 19·65 per 1,000, the average having been under 14 per 1,000. During one of these five years cholera visited Umballah, and carried off 29·12 per 1,000 of the force there stationed, but even with this the average of the five years was under 19 per 1,000, and the average of the four years, 1859, 1860, 1862, 1863, in which there was little or no cholera, was under 12 per 1,000.

47. In 1846, after the Trans-sutledge districts had been annexed, Jullunder was chosen as the site of the principal cantonment, and has for a long time past been the station of a British regiment and battery.

At this cantonment in the five years ending with 1863, there has not been one death from cholera; the mortality has in no one year attained to 13 per 1,000, and has averaged during the five years rather under 10 per 1,000.

48. On the annexation of the Punjab, three obligatory points were occupied, Peshawur, Lahore, and Mooltan, none of these places bearing a character for salubrity. The remainder of the British force required for the new provinces were divided between Rawul Pindee and Wuzeerabad, the latter a temporary cantonment occupied hurriedly at the conclusion of the campaign. The troops stationed at the latter place were, on Sir C. Napier's recommendation, transferred to Sealkote, and Wuzeerabad abandoned.

49. The whole Peshawur valley is extremely unhealthy, but it is not supposed that any better position could be found for salubrity combined with military considerations than the present cantonment of Peshawur.

Peshawur has ordinarily had the advantage of being free from cholera, but in 1862 this disease broke out there and carried off 49·24 per 1,000, raising the mortality that year to 62·94. The average of the years 1859, 1860, 1861, and 1863 was slightly under 15 per 1,000; and even allowing that every death at the Murree Convalescent Depôt should be counted as a death attributable to Peshawur, the average of these four years would be under 20 per 1,000.

The Army Medical Report of 1861 gives some valuable information as to Peshawur. It appears that the battery of the old Royal Artillery there stationed (7th of the 11th Brigade), with an average strength of 184, did not lose one man, being the only battery in Bengal in which no mortality took place.

During this year the 1st Battalion 7th Fusiliers occupied Peshawur for six months, and Nowshera for the rest of the year, and only lost 7·93 per 1,000.

The 98th were at Peshawur for nine months, and at Rawul Pindee, or on the march for three months. They lost 22·32 per 1,000.

50. Mooltan was also deemed an unhealthy position for British troops, and none but artillery were kept there until the mutiny. Here accommodation had to be rapidly provided for an increased force, and was perhaps inadequate at first, but there has been no cholera whatever in the last five years, and the average mortality has been slightly under 20 per 1,000.

51. The annexation of the Punjab found a force of occupation in the city of Lahore, and at Anarkulli adjoining the city. The reasons for removal to Meean Meer are shown in the papers accompanying the general letter to the Honourable the Court of Directors, No. 49, of 26th March 1850.

Cholera has appeared at Meean Meer in 1856 and in 1861 with intense severity, producing a very high rate of mortality, but it does not appear that the place should be utterly condemned, for in 1863, when cholera was absent, the death rate was only 10·27 per 1,000.

52. Two other stations are Rawul Pindee and Sealkote. At the former place, with a strength of British troops varying from 1,252 to 1,945, there was not in the last five years one death by cholera; the highest mortality in any one year was 15·71 per 1,000, and the average annual mortality was slightly under 11 per 1,000.

At Sealkote, with a force varying from 1,225 to 1,600, the average mortality has been just above 11 per 1,000, but has never reached 12 per 1,000, and this includes

includes a visitation of cholera in 1862, which swelled the death rate in that year by 6·94 per 1,000.

53. Nowshera, half-way between Peshawur and Attock, had been resorted to in the earlier years of the occupation of the Punjab for a change by officers suffering from Peshawur fever. Eventually a small barrack was made there to enable the soldiers to have a similar benefit, and in 1853, when it was determined to strengthen the force at Peshawur, it was ordered that the additional regiment should be placed at Nowshera, instead of swelling the already large cantonment of Peshawur.

From 1859 to 1863 inclusive, the strength at Nowshera has varied from 593 to 744, and the average mortality has been at the rate of less than 10 per 1,000.

54. Subsequently, and under the same administration, Pegu was annexed. The province was considered likely from past experience to prove a grave to our troops, but undoubted care would appear to have been exercised in selecting and testing sites, and any place found to be decidedly unhealthy was at once abandoned.

The result is that the principal station, Rangoon, is one of the most healthy garrisons in the world; the appearance of the soldiers attracting the attention of the visitor, while the average mortality during the last five years has been only 5·72 per 1,000.

The two other British garrisons in Burmah are Tonghoo and Thyetmyo. At the former the mortality has averaged since 1859, 19·19 per 1,000, and at the latter, where cholera was rather severe in 1863, the average has been 29·81 per 1,000.

55. Nor does it appear to the majority of the Council that any charge of carelessness is applicable to the selection of sites for cantonments subsequently to the mutiny, though in many instances it was necessary, on military and political grounds, to fix stations in places that had anything but a good reputation for health.

56. Delhi, Jhansi, Morar, Allahabad, and Umritsur appeared obligatory points, and in certain years have not proved healthy, but even in these stations there has been a great improvement, and with better barracks, and in some places a change of the position of the barracks, there seems reason to hope that none of these places would be unduly sickly. Jhansi will probably be given up as no longer required, and Umritsur may now possibly be reduced in strength. At all these places any very excessive mortality has been the result of cholera visitations.

57. Of the other new stations the Returns show Fyzabad, Roy Bareilly, Seetapore, Moradabad, Shahjehanpore, Roorkee, Bareilly, Futtchgurh, Nagode and Nowgong to have been markedly healthy. At Jubbulpore there has been a tendency to fever, but even here the mortality from all causes during the past five years has been less than 23 per 1,000, and measures are sanctioned which, it is hoped, will lessen the number of fever cases.

58. In conclusion, we may observe that the Report refers but little to the many efforts made by successive Governments and Commanders-in-Chief, in the face of great difficulties, to improve the condition of the British soldier, and to reduce sickness and mortality. These efforts have been often made without any instructions from England, and have not unfrequently been in advance of what had been attempted elsewhere.

59. We may refer to the following as some of the instances in which efforts have been made of late years—often at great cost.

All permanent barracks have been constructed on greatly improved principles, and liberal and separate accommodation provided for the married soldiers.

Convalescent depôts in the hills have been established and augmented.

The rations have been greatly improved, particularly by the addition of a liberal daily issue of vegetables, and the efforts to raise the standard of quality of the rations are constant.

The old and pernicious custom of serving out drams to the soldier in the morning has been altogether given up, the issue of rum reduced, and great exertions made at a large cost to induce the soldier to drink wholesome malt

liquor at a cheap rate instead of spirits, while on board ship malt liquor is now alone given, save in special cases.

Measures have been sanctioned by which the drinking water is improved, and better arrangements made for ablution, while improvements in the mode of cooking the soldiers' food have been initiated.

Gardening by the men has been fostered in various ways.

Coffee and reading rooms have been established or enlarged, and in the new barracks to be constructed useful recreation rooms are to be provided.

Workshops at which the men can exercise themselves profitably at their trades, have been established, and are most successful, and the men without trades are taught them.

The married quarters have been provided with lamps at the public expense, and experiments have for some time been going on in view to lighting barracks generally in an improved manner.

Employment of a responsible kind in the various departments supplied from the Unattached List has been opened to deserving and qualified soldiers of the Royal army.

Measures have been taken, and a law passed, by which it may be hoped a check will be put on one of the diseases which most seriously affects the British soldier, not only in India, but everywhere.

60. Numerous other reforms have been adopted which it would be impossible here to detail, and now that sanitary commissions are at work in India, doubtless other and important measures will be introduced on their suggestions.

61. It would therefore seem to be matter of regret that the zealous and humane efforts made by successive Governments and commanders-in-Chief in India (and especially of the present Commander-in-Chief, who has initiated various important and beneficial measures), have not been prominently acknowledged by the Commission.

62. The records of the Government show that for many years past there have been constant schemes for ameliorating the condition of the soldier, and there is little fear that these efforts will be relaxed.

It is hoped that the result of these efforts will be to reduce the mortality below even what is hoped by the Royal Commission, and also to reduce the per centage annually invalided. This indeed has already fallen from 80·88 in 1860 to 74·02 in 1861, and to 59·61 in 1862.

63. We should be glad if it seemed to you proper to give publicity to the details of the existing rate of mortality with which you have been supplied from the three Presidencies, so that the impression may be removed that the death rates at present prevailing in India are anything like those estimated by the Royal Commission.

64. All the Returns referred to in this Despatch are already in your possession, save perhaps those mentioned in the Army Medical Department Report for 1861, which can doubtless be obtained from the War Office.

We have, &c.
(signed) *John Lawrence.*
R. Napier.
H. B. Harington.
Henry S. Maine.
C. E. Trevelyan.
W. Grey.

Fort William,
8 December 1864.

MINUTE by his Excellency the Governor General.

HAVING stated in my evidence before the Sanitary Committee in England that I did not think that sufficient care had usually been exercised in selecting the sites for the military cantonments in India, and being still of opinion that I had grounds for that statement, I will now give the data on which it was formed. I will confine my remarks to cases of which I have had personal cognisance.

2. The troops at Delhi were originally cantoned inside the city. After some years, it was resolved to place them outside. The spot selected was in the low ground north of the ridge of rocks, which run east and west two miles from the city. In this position the troops were exposed to the malaria from the lands irrigated from the Delhi Canal, as well as from the Nujufghur Jheel, and consequently were very sickly. Had the cantonment been placed on the ridge, and on the sloping ground south of the ridge, these evils would have been avoided.

3. The next case I will cite is that of the Kurnaul Cantonment. This station, as originally formed, was on comparatively high ground, and was perhaps the healthiest and most popular cantonment on this side of India. After a time it was resolved to add a regiment of British infantry to the force, and the locality chosen for their barracks was the low ground on the banks of the canal, close to large swamps. The regiments thus located were very unhealthy, and suffered terribly; and, at last, the cantonment obtained so bad a reputation that it was given up at a considerable pecuniary sacrifice to the State. These were both old cases, one more than 40—the other upwards of 20 years ago.

4. The third instance I will adduce is that of the Cantonment of Umballah, which was selected when Kurnaul was given up in 1843-44. In this site there is a great want of water, and this has been a constant subject of complaint. The cost and difficulty of bringing a proper supply for the troops and camp-followers will prove very considerable, and to this day it has never been settled how this shall be done.

5. The fourth case I would cite is that of Julundhur. I was the Commissioner of the territory known by this name, when the first site for the cantonment was selected by the military authorities in 1846-47. It was a bad position, liable to inundation, and inconvenient to the people of the town. I remonstrated to the officer commanding the troops, but in vain. The Governor General (Lord Hardinge) however, happening to pass through a few days afterwards, I spoke to him and explained the matter. He went with me himself in company with several military officers, disapproved of the ground first chosen, and selected the spot on which the present cantonment stands, which has proved remarkably salubrious. But for the accident of Lord Hardinge's presence, the first site would probably have been decided on.

6. The fifth case I would cite is that of the present cantonment at Meean Meer (Lahore). Originally the troops were placed at Anarkulli outside the city. This spot proved unhealthy, simply because two British regiments, as a temporary measure, were crowded into the old Sikh barracks, which were of the poorest description and scarcely equal to the accommodation of one regiment. But, instead of recognising the real cause of the evil, Anarkulli was given up (where the water and the soil were both good), and the troops transferred to Meean Meer, in every respect a very inferior position.

7. In this case the natives of the city were perfectly astonished at the proposed change; and one of the ablest chiefs in the country came and explained to me the mistake we were making, telling me that he had known the ground for 40 years. I twice went to the general commanding the troops, and expostulated; but he told me it was of no use, that Meean Meer had been resolved on by the Commander-in-Chief, and that nothing could be done.

8. A sixth instance is that of Wuzerabad, which was hastily selected in 1848-49, and had to be given up. In the year it was occupied there were several feet of water (during the rains) in the cantonment.

9. I might also point out Sealkote, the place to which the troops were transferred from Wuzerabad, as an injudicious selection. Sealkote in itself is high

and dry, and the climate has proved remarkably salubrious. But it is in a corner, off the line of communication; and the country between it and Lahore and Umritsur is subject to inundation. The defective character of Sealkote as a military position was clearly demonstrated during the mutiny. A selection of this kind is an evil obviously. It adds to the general feeling of insecurity, and entails extra work to the troops in times of commotion, and therefore affects their health.

10. A seventh case is that of Mooltan, selected in 1848-9. The present site is liable to inundation; and it is a question yet if it will not have to be abandoned; and if not, at any rate, a large sum of money will have to be expended in the construction of embankments.

11. The eighth and last instance I will refer to is that of Nowsherah in the Peshawur Valley. This is for that part of the country, perhaps, the best position available. But the actual site on which the cantonment is placed is subject to inundation. The fine barracks now standing there had scarcely been finished in 1856, and the British regiments moved into them, when the Indus rose some 20 feet, and the Caubul River, on which Nowsherah stands, rose also. In a few hours the barracks had six feet of water in them; and had this happened in the night, instead of in the day, the probability is that the great portion of the regiment would have been drowned. Now, the high ground far above the highest rise of the river is not half a mile from the present site. But this land is barren and sandy, while that on which the cantonment stands is green and pleasant looking, and hence the selection of the latter.

12. In giving my evidence before the Sanitary Committee in London, my object was to impress on the authorities the great importance of having the very best persons available on the committees appointed for the selection of sites for cantonments. I particularly desired that civil and political, as well as military and medical officers, should be appointed to serve on these committees, so as to insure, as far as practicable, that all information available should be brought to bear on the subject.

13. Formerly it used to be a rule that one civil officer, usually the collector of the district, should, as a matter of course, be a member of the committee. But for some years this custom was given up. I would not, however, limit the selection to any particular civil officer, but would require that the Local Government should select the very best civil officer available. It should, also, be the duty of the committee to endeavour to obtain trustworthy information from native sources; the people of the country being well able to afford it, if judiciously questioned. The proposed sites also should, as a rule, be visited by the committee at the height of the rains.

14. No doubt cases will arise where, from political considerations, troops must be cantoned in positions not as salubrious as is desirable. But these very seldom occur. Usually also, even then, some latitude is allowable, provided the site selected is not much out of the way. Thus, for instance, in the case of Delhi, at the time the cantonment outside the city was selected, and in those of Lahore, and Nowshera also, it was of no importance which particular spot was chosen. Indeed, if there were any difference, politically speaking, it was in the two first cases, in favour of the sites not selected, and more especially as regards that of Lahore.

5 December 1864.

(signed) *John Lawrence.*

EAST INDIA (SANITARY COMMISSION).

COPY of DESPATCH of the Government of *India*
on the REPORT of the ROYAL SANITARY COM-
MISSION for *India*.

(*Colonel Sykes.*)

Ordered, by The House of Commons, to be Printed,
6 March 1865.

EAST INDIA (SANITARY COMMISSION, &c.)

RETURN to an Address of the Honourable The House of Commons,
dated 25 May 1865;—for,

“COPIES of LETTER addressed to Sir *Charles Wood* in reply to DESPATCH of Government of *India* on REPORT of the ROYAL SANITARY COMMISSION for *India* :”

“AND, of REMARKS of Barrack and Hospital Improvement Commission on Dr. *Leith's* Report as to the Sanitary Condition of the Bombay Army.”

Military Department, India Office, }
26 May 1865.

T. T. PEARS, Major General,
Military Secretary.

COPY of LETTER addressed to Sir *Charles Wood* in reply to Despatch of Government of *India*, on Report of the Royal Sanitary Commission for *India*.

THE MORTALITY OF THE ENGLISH ARMY IN INDIA.

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Her Majesty's Secretary of State for India.

Sir,

THE Government of India, in a Despatch ordered by the House of Commons to be printed 6th March 1865, has urged against the Report of the Royal Commission on the Sanitary State of the Army in India, some charges which require notice.

The Despatch is dated 8 December 1864, and referring to the state of things at that date, and to the returns more particularly of the mortality of the army in the three years 1861, 1862, and 1863, seeks to prove that the Commission had (1) overstated the mortality of the European forces in India; had (2) “referred but little to the many efforts made by successive Governments and Commanders in Chief, and especially of the present Commander in Chief,” to improve the condition of the British soldier; and had (3) accepted erroneous opinions to the effect that the sites for cantonments had been selected without care, and often by chance.

Despatch; ss. 58
and 61.

Despatch, s. 44

In this paper it is proposed to show :—

(1.) That the principal cantonments of the English Army were on some of the unhealthiest sites in India.

(2.) That the Commission did no injustice to the Commanders in Chief, or to the Government.

(3.) That the mortality of the European forces in India, at the date of the inquiry, was not overstated by the Royal Commission. It has been, on an average, at the rate of 69 per 1,000 down to the year 1856, and was higher in the excluded mutiny years.

(4.) That the Indian Government, writing on 8 December 1864, by avoiding any reference to the actual facts, citing a return for 1863, and mistakenly applying the “now” of one date to a different date, produces an erroneous impression, but does not disprove the above proposition.

(5.) That at the same time they admit by their argument the previous waste of life in India, and the possibility of reducing the mortality for the future to the rate of 20 per 1,000, or still lower by judicious measures.

His Excellency the Governor General, the Despatch states, agrees with the Commission that the sites have been badly selected, and in a Minute accompanying the Despatch, he has given eight striking examples, all falling within his personal cognizance, in proof that sufficient care had not usually been exercised, even in recent times, in selecting the sites for military cantonments in India.

Sir John Lawrence gave evidence to that effect before the Royal Commission, and in his opinion all the principal witnesses concurred. The evidence supplies innumerable circumstantial examples, which it is unnecessary to cite, as they may all be summed up in one simple statement.

India is a vast territory extending over several degrees of latitude, at various altitudes, ranging from the inundated plains and deltas of great rivers to the Himmala'ayas and the table lands of the Deccan. Up to the date of the conquest of the Punjab and the annexation of Oude, the bulk of the European troops in Bengal were in cantonments on the unhealthy plains. Many of the old stations were as badly selected as possible in regard both of air and water; and as the new stations could not be worse, the Government of India has no difficulty in showing that they are better than those it adopts as its standard.

That this standard is not high is evident from the observations on Meean Meer, of which the defects are commented on by the Governor General, and described in the evidence. "Cholera," the Despatch says, "has appeared at Meean Meer in 1856 and 1861 with intense severity, producing a very high rate of mortality, but it does not appear that the place should be utterly condemned, for in 1863, when cholera was absent, the death-rate was only 10·27 per 1,000."

By the same reasoning, the worst stations on the West Coast of Africa may be vindicated where the death-rate is often low when epidemics are not raging.

The evidence and the returns, in two folio volumes, go to show that much of the high mortality of the English troops in India, in past years, was due to the bad choice of stations.

The Royal Commissioners appointed on 31 May 1859, under Lord Derby's Government, had the advantage of examining in England, orally, Sir John Lawrence, Sir Charles Trevelyan, Sir Ranald Martin, Sir Alexander Tulloch, and others, in all 48 witnesses of the highest authority, at intervals between 25 November 1859, and 18 October 1861.*

Three series of questions were sent to 175 stations in the three Presidencies, and the answers received in time from the commanding, engineering, and medical officers of 117 stations are printed in an appendix to the evidence; with observations on the said returns by Miss Nightingale; with statistics of the East India Company's army, extending nearly from its origin down to the latest date, by Dr. Farr, with statistics of Her Majesty's troops in India, by Dr. Balfour; and statistics of regiments which had served in India, by their commanding officers. Actuarial reports on the military and civil funds, as well as the papers by able Indian statisticians, such as Henderson, Hannington, Macpherson, Ewart, and Chevers, were consulted.

All who have had to do with military statistics know the difficulty of getting any accurate numerical statements whatever respecting the strength and losses of armies. How many men were engaged, killed, and wounded, on both sides, at Waterloo, is not yet settled. French and English military historians largely differ.

The Royal Commission encountered difficulties of various kinds, but they succeeded in obtaining access to two classes of documents, which were perfectly trustworthy, and supplied the data from which they deduced the mortality of the English troops in India. Sir Alexander Tulloch gave, in his evidence from documents in the War Office, returns of the Royal army in India during the 39 years 1817 to 1855, showing that the mean strength was, during that period, 20,332, and that the registered deaths out of that strength were 55,584, or at the rate of 1,425 deaths

Report of Royal Commission, vol. II. (folio edition.)

Vol. I., p. 347.

Vol. I., p. 528.

Vol. I., p. 585.

Vol. I., p. 757.

Report, vol. I., p. 819.

* The publication of the report was delayed until 19 May 1863, to enable the Commission to include the tardy returns from India, many of which never came to hand.

1,425 deaths annually. Hence he inferred that the mortality of the Royal Army in India had been, during a series of years sufficiently long to furnish an average, at the rate of 70 deaths per 1,000 of strength annually. It is a simple rule-of-three sum, and it will be found, upon repetition, to be a fraction over 70.

Sir Alexander Tulloch's facts are authentic, and his calculation is correct, but it does not include the deaths among invalids shipped home and dying on the voyage of mortal diseases. According to his estimate, about 10 of the 70 annual deaths are accounted for by casualties in the field.

The regiments of the Royal Army had depôts of two companies each at home, and they served for only limited terms, and dying invalids were omitted, so that the real mortality of the Queen's troops in India was, to some extent, masked. The Royal Commission therefore procured from the India House, and analysed the annual Casualty Rolls of the late Company's European troops who served their full term in India. The rolls were "compiled upon the principle of accounting for every man becoming ineffective in the year." From these rolls the mortality for each Presidency was calculated year by year, and the general result may be thus summed up. The deaths in 57 years upon a mean strength of 10,330 were 40,420, or 709 annually; consequently the mortality had been at the rate of 69 deaths annually in 1,000 of strength. Thus, putting the non-commissioned officers and men of the Royal Army and the Company's European troops together, the strength was about 30,662, the annual deaths 2,134, and the annual mortality at the rate of nearly 70 in 1,000.

Report, Vol. I.,
p. 531.

Why did the Royal Commission, appointed in 1859, not include in its investigations all the returns of later years?

For two reasons: (1) the returns of later years, they were told, did not exist at the India House, and were not supplied from India; (2) the mutiny had produced so much disturbance, and led to so extensive a destruction of life, that these were exceptional years. The Commissioners knew enough to be certain that the mortality in those years was excessively high, as was evident from the regimental returns with which they were supplied by the colonels of 78 regiments serving in India. The mortality of those regiments during the four years 1857 to 1860 was at the rate of 77 * in 1,000.

Report, vol. I.,
pp. 757-79.

The Commission, therefore, concluded from the whole series of returns, that "the death-rate of the British soldier, since the first occupation of the country down to the present day, has oscillated round 69 per 1,000." The last accessible returns, and the experience of the mutiny, were in strict conformity with this statement.

With a strength of 30,662 English soldiers, who sufficed for all purposes, England had lost for years 2,134, or 69 per 1,000 men annually by death; but, from the returns of 1861, the Commission learnt that there were 75,759 men (including non-commissioned officers) in India, besides 8,324 officers. The proposed European establishment was to comprise 73,000 men, or a third part of the British Army; of whom, at the rate of 69 per 1,000, the loss by death would be 5,037 annually.

Report, vol. I.,
p. lxxxv.

Report, vol. I.,
p. lxxxi.

The sick in hospital by one estimate would be 7,300, by another 6,132. This was an alarming prospect to the country, and distressing, inasmuch as the deaths out of the same number of men at the soldier's age is only 657, or at the rate of 9 per 1,000.† Instead of losing 657 lives annually, there was a well-grounded fear that should years of war, and cholera, and fever, and dysentery, and liver disease recur, as they had in past times, England might be called upon to supply the places of 5,037 dead soldiers by 5,037 recruits. This it was felt would, in addition to other casualties, be a strain upon the military resources of the country.

The returns, the Despatch truly says, included the deaths in war. They were intended to include those deaths; for neither the recent wars nor the mutiny were at that date forgotten in England; and the Commission would not have been justified in basing its calculations upon a future of unbroken peace in Asia.

But

* See reply of Barrack and Hospital Improvement Commissioners to Dr. Leith, p. 9.

† The Despatch does not advert to the specific objects for which the "natural standard" mortality at the soldier's age and in the army at home and abroad are cited in the Report; yet these objects are clearly stated. Vol. I., p. x.

But the Commission enquired carefully into the effects of war, as efficiency in the field is the supreme test of an army's sanitary organization. And they showed that the mortality in the wars of India had been chiefly from spirits, fever, dysentery, and cholera, to which the troops were often unnecessarily exposed, as was notoriously the case in Lord Amherst's Burmese War, when British "soldiers perished by hundreds in the swamps of the Irrawaddy." Due credit is given to the Indian Government for the improvements in the sanitary arrangements which reduced the mortality in the Afghan and Sikh campaigns.

Some of the heaviest losses occurred in time of peace, and to regiments when they were not in action. The following is an example. All the Bengal regiments enter India at the stations about Calcutta, Fort William, Dum Dum, Barrackpore, and Chinsurah. The 29th regiment of foot arrived 1,004 strong in India on 29th July 1842; at Chinsurah it lost 106 men in eight months; at Ghazee-pore and Meerut 418 men in the two next years, before it had seen an enemy: its valour was not extinguished, for 141 of the men were killed or died of their wounds in the Sutlej campaign, and 48 in the Punjab. It lost 1,661 men in all by death in India, and sent home 461 invalids, &c., before it embarked with a strength of 824 for England on 30th September 1859.

Another example will suffice: "Hyderabad, the capital of the Nizam's dominions, is on high land near the centre of the Deccan; it is surrounded by fine sites, but the barrack for the European regiments is in an unhealthy locality at Secunderabad. A regiment, of which the mean strength was 753, died at the rate of 64 in 1,000 annually; in one year a third of the force was killed, and the deaths in the 30 years (1804 to 1833), chiefly by dysentery, were about 1,435. The barracks were emptied twice by deaths in 30 years; and the graveyard close above the barrack was filled, for a crowded barrack crowds the churchyard. New barracks were erected on the same site, and the mortality declining still remained as high as 37 in 1,000 during the years 1837 to 1858. In the last year of the period, 104 of the First Royals died, out of a strength of 1,098. The officers lived in detached bungalows, and their mortality rarely exceeded 20 per 1,000."

Besides the loss by death, other casualties had to be taken into account; and, preferring to understate rather than to overstate the case, the Commission selected the 10 years, 1847 to 1856, before the mutiny, embracing Lord Dalhousie's administration, when the mortality of the Company's English troops in India was at the rate of 51 (not 69) in 1,000, that is, lower than it was in the previous decennials through the reduced mortality in Madras and Bombay. In Bengal no improvement was visible. The soldier's life table was calculated upon this reduced rate, and it showed that 1,000 of the Company's European soldiers of the age of 21 years were reduced to 216 through death and invaliding alone by 20 years' service in India, while they were reduced to 96 by transfers, desertions, and casualties of all kinds.

Her Majesty's 84th Regiment experienced a comparatively low rate of mortality; yet of 1,064 men landed at Moulmein in 1842, only 93 landed in England in 1859; of the number joining and the losses, Brigadier General Russell, C.B., gave in his evidence an exact return. In 1857, the year which the Commission omitted, this regiment lost 274 men.

Thus the prospect was not encouraging when the Commission commenced its enquiries. And as no one doubted the good intentions of the old Military Board, few were so sanguine among old Indians as to expect that the European troops would ever escape from the diseases for the future which had decimated them in the past. Some of the best medical officers, however, held other opinions.

The first great fact which struck the Royal Commission forcibly was this: the civil servants of the Company at the soldiers' age did not die at a rate higher than 20 in 1,000; and as they are distributed all over the country, it follows that the climate of India is not necessarily fatal to any higher proportion.

The mortality of the military officers who were stationed with the British and native troops all over India had been high (38); but it had been less by 31 than the mortality of the European soldiers. The mortality of the British soldiers in many stations did not exceed 20 per 1,000, and half of this was by diseases resulting from defective sanitary arrangements. The mortality of the native troops did not exceed 20 in 1,000 under many unfavourable conditions; and the mortality of Indian cities is not higher apparently than that of Euro-

pean

Despatch, s. 10.

Report, vol. I.,
p. xvi.

Report, vol. I.,
p. 759.
Return of Colonel
Westropp, com-
manding 29th
Regiment.

Report, vol. I.,
p. xxvii.
This station is well
described by Dr. Mac-
lean in his evidence,
and by Dr. Crawford,
in the Army Medical
Report for 1860.

Report, vol. I.,
p. lxxxvii.

Report, vol. I.,
p. 233.

Report, vol. I.,
p. xxi.

Report, vol. I.,
p. xix.

Report, vol. I.,
p. xxii.

pean cities in the same unhealthy condition. In the 17th century, London, chiefly in summer and autumn, suffered from the same diseases as Calcutta—fever, dysentery, cholera, and the plague periodically in addition.

“The experience of the civil service, of the military officers, of their wives and children, of the English troops in many stations, and of the native troops, proves,” the Commission concluded, “that in the present state of India the mortality of the English troops there can be reduced to 20 in 1,000.”

Report, vol. I.,
p. xxix.

India is undrained; there is no adequate arrangement for the supply of pure water; and malaria pervades nearly the whole country, as it formerly pervaded England. Looking into the future, when India is cultivated and the sanitary organisation of the army is brought to a level with the present state of science, the Commissioners add, “We cherish the hope of realising what statistical inquiries appear to point to, namely, that the natural death-rate in times of peace of men of the soldiers’ ages in India will be no more than 10 per 1,000 per annum.”

Report, vol. I.,
pp. lxxxi–ii.

The Commissioners collected from the most competent witnesses in England and in India evidence of the sanitary evils to which the English army in India had been exposed; analysed the causes of disease with the help of science; and suggested what it was conceived were effectual remedies in 40 explicit recommendations.

They did not conceal from the public—for it would have been contrary to their duty and to the English practice—the expense in blood, in suffering, and in treasure, at which England had “held dominion there for a century.” But while it was their painful duty to expose past and still existing abuses, they had the gratification of being able to point out remedies which, in their belief, were likely to prove effective, and thus to hold out the prospect of a brighter future for the English soldier in India.

The Indian Government does not question the authenticity of the documents upon which the Royal Commission relied, neither does it at all dispute the accuracy of the calculations; and we, as members of the late Commission, whose conclusions we are seeking to defend, willingly admit without questioning, the accuracy of the facts and figures which are brought forward by the writers of the Despatch. The controversy turns almost wholly upon dates, and on the application of the word “now”.

Writing at the date of 8 December 1864, the authors of the Despatch show that in the year 1858 “no less than 111 per 1,000 died (in Bengal) during a year of arduous service, as far as fatigue and exposure were concerned, the number of casualties in action, or as the effect of wounds, being *not a thirteenth* of the whole.” The mortality fell to 45 in 1859, to 36 in 1860, to 45 in 1861, to 27 in 1862, and to 22 per 1,000 in 1863, a year of peace. “In this Presidency,” the writers say, “it will be seen that the rate of mortality, so far from being *at present* 69 per 1,000, is not much more than the rate of 20 per 1,000, hoped for by the Royal Commission as the result of very improved sanitary arrangements.”

Despatch, ss. 12
and 13.

Despatch, ss. 36
and 37.

Despatch, s. 38.

They show a still more favourable state of things in Bombay and Madras.

“We hope,” they conclude, “it has now been satisfactorily shown that the *present rate* of mortality of the whole British Army in India is not much over 20 per 1,000; and we entertain a confident hope that by constructing improved barracks, and, as railway communication becomes more developed, by withdrawing troops from some of the less healthy localities, the mortality will ordinarily be even less than 20 per 1,000.”

Despatch, s. 111.

It will be exceedingly satisfactory to the public in England and in India thus to see the predictions of the Commission—predictions which at the time appeared somewhat sanguine even to their authors—endorsed by the Government of India.

The “now” of the Despatch dated at the end of 1864 really means the year 1863, to which their latest returns refer: the “now” of the Royal Commission was 1858 and the years preceding,—not through their own fault, but through the impossibility of obtaining returns from the India Office and Horse Guards for years later than 1856, except the regimental returns of 1857, 1858, and 1859, years of war, of exposure in the field, and consequent disease.

It is sometimes the fate of Royal Commissions to see none of their recommendations carried out. This fate has not befallen the Royal Sanitary Commission for India. As soon as, and in some places before, they were appointed, and

had

had sent out a series of searching queries to all the principal stations, the authorities set about abating and removing many of the evils which were to be described and published to the world. The Commander in Chief has acted with the most praiseworthy zeal; and the army of the Bengal Presidency, risen out of the trough of the Ganges, occupies the healthier regions of Oude and the Punjaub; several measures described in the Despatch have been carried out; new statistical forms have been introduced; and in conformity with the directions of the Secretary of State for India, accompanying the report of the Royal Commission, a permanent Sanitary Commission has been appointed in each Presidency. The statistical returns are now brought down to recent dates; it is incredible how much they were in arrear when the Commission sat. We have now before us a return for the calendar year 1864: the mortality of the Bengal Presidency was at the rate of 21 in 1,000, ranging from 25 to 27 on the Ganges stations, to 17 in the Oude and Agra commands, and 15 in the Punjab.

Despatch, 559.

Despatch, ss. 36
and 37.

In the same Presidency, according to the Despatch, the mortality rate was 22 per 1,000 in 1863, 27 in 1862, 45 in 1861, with "a fearful outbreak of cholera," 36 in 1860, 45 in 1859, and 111 in 1858, the year immediately preceding the appointment of the Commission. Thus going backwards, we have a rapidly ascending series, which conducts us to the long period when the facts demonstrate that the annual mortality of the Queen's army was at the rate of 70, of the Company's forces at the rate of 69 in 1,000.

The report of the Royal Commission explicitly states the years in which the mortality was at the rate of 69 per 1,000; and its "now" applies to the years ending with the mutiny. The latest information was for the single year 1860. The mortality given was based upon what had been the case during a long series of years. The Commissioners traced the excessive death rate to its obvious causes, and predicted that, under given conditions, in times of peace, it would fall to 20 in India, and may reach 10; the mortality of men of the soldiers' age at home being at the rate of 9 per 1,000.

It does undoubtedly appear, upon the face of it, incredible that the death rate of the soldier, which was 22 and 21 in Bengal during the two years 1863 and 1864, should have oscillated round 69 since the first occupation of the country down to the day of the latest returns which the Commission could procure.

The facts are, however, incontestable; they are fully explained by the circumstances; and the writers of the Despatch are scarcely justified in the representation that the Commission stated the mortality to be "now" (December 8th 1864) at the rate of 69 in 1,000; as the dates of the inquiry and the returns are given in the report. Still less do the facts justify them in the use of the phrase "inaccuracy of the death-rates laid down by the Commission."

The change from long periods to the limit of 10 years' service in the Queen's army, has tended of late years to reduce the apparent rate of mortality in India inasmuch as unhealthy men are got rid of when their term of service expires, and only the healthy, well-behaved, seasoned soldier remains, if he chooses to volunteer for a further term.

Despatch, s. 62.

In addition to the loss by death, there was the great loss by invaliding of 81, 74, and 60 per 1,000, in the three several years of 1860-62.

Despatch, s. 29.

But the great and satisfactory fact remains, that in 1862 "we have," the Despatch informs us, "1,408 deaths in an army of over 70,000 men;" while in the previous half-century the annual average loss was 2,135 deaths on a force of 30,662 men! Nor does it appear that so many as 1,460 men died in 1863 "out of an establishment of nearly the strength (73,000 men) estimated by the Commission."

Despatch, s. 30.

"The hope of the Sanitary Commission, that by improved sanitary arrangements the death-rate may be reduced to 20 per 1,000, and thus only 1,460 recruits be needed annually to replace death vacancies in India, was practically realised before the publication of their Report."

The inquiry of the Commission was silently working its way through every station in India, from May 1859 to May 1863, and now, at the end of 1864, this we are told is the state of things: the death-rate was 69; it is 20. People in India are now ready to believe that the mortality which, before the inquiry commenced, was held to be inevitable is now incredible: for this change in
public

public opinion the Royal Commission may perhaps claim some degree of credit as well as for their practical recommendations.

Two of these, "the revision of the whole distribution of the army in India, in view to placing the troops, as far as possible, in healthy positions, and the construction of greatly improved barracks," are, we are told, under consideration; and many measures for the improvement of the soldier have been either carried out, or are now in contemplation.

Despatch, ss. 3 and 4.

The task of maintaining the English army in India is not light, and can only be achieved in field and cantonment by the most sedulous vigilance, in combination with scientific and administrative ability of the highest order. Its accomplishment depends as much upon the men and officers themselves as upon the Government. The Royal Commission only collected evidence, analysed observations, and embodied the recommendations in their Report, of the most eminent Indian and other authorities, including two of the Members of the present Government of India.

To the Government, the Commander in Chief, the officers and men, by whom these recommendations are carried out to a successful issue, and by whom the sickness and mortality of our brave army for years to come are reduced to the natural standard, every Member of the Royal Sanitary Commission—bearing in mind how arduous is the duty of converting science into action—will, we doubt not, gladly ascribe all the credit.

We have, &c.
(signed) *Stanley.*
W. Farr.
John Sutherland.

London, 20th May 1865.

COPY of REMARKS of Barrack and Hospital Improvement Commission on
Dr. Leith's Report as to the Sanitary Condition of the Bombay Army.

See Parliamentary Paper, No. 329, of Session 1865.

EAST INDIA (SANITARY COMMISSION, &c.)

COPIES of LETTER addressed to Sir *Charles Wood* in reply to DESPATCH of Government of *India* on REPORT of the Royal Sanitary Commission for *India*; and, of REMARKS of *Barack and Hospital Improvement Commission* on *Dr. Leith's* Report as to the SANITARY CONDITION of the BOMBAY ARMY.

(*Lord Stanley.*)

Ordered, by The House of Commons, to be Printed,
29 May 1865.

EAST INDIA (CALCUTTA).

RETURN to an Address of the Honourable The House of Commons,
dated 17 February 1865;—for,

A “COPY of any REPORT, PAPERS, OR CORRESPONDENCE connected with the
SANITARY STATE of *Calcutta*, in the possession of the India Office.”

India Office, }
21 February 1865. }

J. HAWKINS,
Secretary, Judicial Department.

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(No. 183.)

From *J. P. Walker*, Esq., M.D., Secretary to the Sanitary Commission for Bengal, to the Officiating Secretary to the Government of Bengal; (No. 1), dated 5 March 1864.

I AM desired by the President of the Sanitary Commission for Bengal to submit his Minute of this date on the sanitary state of Calcutta, for such notice as the Honourable the Lieutenant-Governor of Bengal may consider necessary.

(No. 184.)

MINUTE on the SANITARY CONDITION of Calcutta, by the President of the Sanitary Commission for Bengal.

IN the instructions issued on the 29th ultimo by the Government of India for the guidance of the Sanitary Commission, special attention has been called to the sanitary state of the city of Calcutta.

This is a matter to which I had given much consideration long before I was appointed to my present office, and it is one in which immediate action on the part of the Commission is required.

2. For many years past the sanitary condition of Calcutta has been a constant subject of complaint, and this condition has probably never been much worse than it is at the present time. The state even of the southern division of the town, which contains the fine houses of the principal European inhabitants, is often most offensive and objectionable, while with regard to the northern, or native division of Calcutta, which contains some hundred thousand people, it is no figure of speech, but the simple truth, to say that no language can adequately describe its abominations. In the filthiest quarters of the filthiest towns that I have seen in other parts of India, or in other countries, I have never seen anything which

can be for a moment compared with the filthiness of Calcutta. This is true, not merely of the inferior portions of the town, or of the bye-ways and places inhabited by the poorer classes, but it is true of the principal thoroughfares and of the quarters filled with the houses of the richest and most influential portion of the native community. If a plain unvarnished description of the streets of the northern division of Calcutta, bordered by their horrible open drains, in which almost all the filth of the city stagnates and putrifies, were given to the people of England, I believe that they would consider the account altogether incredible.

3. The condition of the river upon the banks of which Calcutta stands is as abominable as that of the city itself. I need only mention one fact regarding it. More than 5,000 human corpses have been every year thrown from Calcutta into the river which supplies the greater part of the inhabitants with water for all domestic purposes, and which for several miles is covered with shipping as thickly as almost any river in the world: 1,500 corpses have actually been thrown into the river in one year from the Government hospitals alone. That such things should be true seems really to be hardly credible.

I am aware that measures have now been taken by the Government of Bengal for putting a stop to this shameful practice, but they have only been taken during the last few days, and I have referred to it here because it serves as a good index to the state of things which has hitherto existed. Of the many other ways in which the water of the river is polluted it is not necessary now to speak.

4. It is not my wish to attempt to describe in detail the condition of Calcutta. To all who are here upon the spot the facts are notorious. The state of the capital of British India, one of the greatest and wealthiest cities in the world, is a scandal and a disgrace to a civilized Government. The questions that are involved are not mere questions of ordinary sanitary improvement, such as those which commonly arise in other cities and in other countries. The condition of this city is such that it is literally unfit for the habitation of civilized men. Even if we put aside all questions of public health, and look on the matter as one of common decency, or as one of good government, the state of Calcutta is disgraceful to the last degree.

5. It cannot be too prominently stated that the condition of Calcutta is not the normal condition of Indian cities. I have seen the most important towns of the north-western provinces, of the Punjab, and of the central provinces. Their sanitary state is doubtless often in many respects most objectionable, but in comparison with Calcutta they are really almost faultless. There is no apparent reason why the difficulty of keeping Calcutta in at least a tolerable state of cleanliness should be greater than that experienced in other Indian cities. It is true that Calcutta is larger, but on the other hand it is incomparably richer, and it possesses greater natural facilities for carrying out a proper system of conservancy than any which exist in the cities of Northern India. Even, however, if it should be considered that the difficulties of cleaning Calcutta are greater, there is certainly no necessity that there should be such an extraordinary difference as that which actually exists.

It is often said that nothing effectual can be done for the purification of Calcutta until the great system of drainage now in progress is brought into operation. In reply to this it appears to me quite sufficient to point to the fact that the cities of Northern India are kept in a state of at least tolerable cleanliness, and free from all, especially disgusting, nuisances, without any such system of scientific drainage. What is possible there is, beyond the slightest doubt, possible here also.

So far as the theory of the conservancy of Calcutta is concerned, there seems, in the present absence of properly constructed drains, comparatively little to find fault with; but the practice is something very different from the theory. Thus, for example, the whole of the solid portions of the filth of the city is supposed to be carried away every day. But, in fact, throughout the greater part of the native quarter of the town nearly all the night-soil and other filth from the houses runs, or is thrown, into the open drains on the sides of the streets, and, since these drains have generally little or no fall, the greater portion of the filth remains there. It is no exaggeration to say, that the most important streets and thoroughfares of the northern division of Calcutta form, to all intents and purposes, a series of huge public latrines, the abominable condition of which cannot adequately be described.

This state of things appears to be mainly the result, not of the absence of properly constructed works of drainage and of public convenience, although such works are doubtless most urgently required, but of the almost total neglect of the ordinary every-day operations of conservancy.

6. It appears to me to be evident that it is almost useless at the present time for the Sanitary Commission to enter into discussions, or to make recommendations, regarding the sanitary state of Calcutta. The time has not come for entering upon such details. The rules and regulations which already exist are, as I have before said, for the most part good. Their improvement is not the work that is now urgently necessary. The first thing required is the provision of an executive authority strong enough to carry out necessary regulations and to enforce the law for the suppression of the present disgusting nuisances.

7. No such authority now exists, nor has it ever existed, in Calcutta. A system based upon English institutions has grown up, which long experience has proved to be totally inefficient for the Municipal Government of a great native community. So far as the improvement of the northern division of this city, and its maintenance in a proper sanitary condition,

condition, is concerned, there might almost as well have been no Government at all. The actual condition of the town is a sufficient proof of this assertion.

I have contrasted the state of Calcutta with that of the cities of Northern India. The main reason of the comparative success that has been gained in the latter has clearly been the existence of a strong Executive. It is a great mistake to suppose, as many people in this part of India appear to do, that the executive authority of which I speak is something grossly arbitrary and lawless. Whatever may have been the case in old times, the authorities in Agra and Lahore administer as regular a system and have as much respect for the obligations of law as they have in Calcutta. But in the one case there has been a system adapted to the circumstances and to the ideas of the people; in the other a system totally foreign to all their real requirements. Not the least striking evidence of this fact is seen in the attitude of the more influential portion of the people themselves. Far from having learned something of English public spirit, the principal native gentlemen of Calcutta appear, with some notable exceptions, to be in a chronic state of opposition to everything that is useful. In other parts of India the upper classes of the native community are always more or less ready to co-operate with the authorities in measures directed to the public good. It may be added, that the condition of the houses and streets in which the wealthiest native gentlemen of Calcutta are content to live, is in itself a sufficient proof that the system of administration which has been in force has been unsuitable and inefficient.

8. The constitution of the Calcutta municipality under the new law which came into operation last year, is doubtless an immense improvement upon all that had preceded it, and it would be very unjust to throw upon the present municipal body the discredit of the state of things which actually exists. On the contrary, the municipality appears to deserve great credit for many important measures that it has carried out. But in the administration of that part of its duties which concerns the maintenance of the town in a proper sanitary condition the municipality has necessarily failed, because it has not possessed the necessary power.

9. In matters connected with conservancy, and the suppression generally of public nuisances, the municipality is practically dependent, almost entirely, upon the police for the means of executive action, and so it must always be. But the municipality possesses no authority over the police. The municipality and the police are now two independent bodies, and whatever they may be in theory, it is notorious that in practice they are in constant antagonism. I do not mean to say that this antagonism takes any active shape, nor do I deny that the relations between the two departments may be apparently very cordial. Possibly this may be shown satisfactorily upon paper to be the case. The fact of the antagonism not the less remains. The police department looks upon itself as an instrument for the preservation of order and the detection of crime, not as one of the means of protecting the lives and the health of the inhabitants from the dangers that arise from the neglect of sanitary precautions. Any one who goes along the streets of Calcutta may see evidence of this almost every minute. He may see, as I have seen myself, every variety of abominable nuisance that is prohibited by the law going on in the public streets with policemen standing by and looking on.

The police are bound by law to assist the municipal authorities in the suppression of nuisances. In some cases it is their duty to act themselves, and to arrest without warrant;* in others, they are bound to give immediate information to the justices.† Practically, neither of these duties is performed, and it appears to me to be certain that they will continue to be neglected so long as the police department remains independent of the municipality. Something may doubtless be done for a time to force the police to exert themselves, but no permanent or complete results can be expected until the municipality, which is the body responsible to the public and to the Government for the proper administration of the city, shall be vested with full authority over the police. Until the municipality possesses power, its responsibility cannot be enforced, nor can its shortcomings be fairly criticised.

Under the old system which prevailed in Calcutta until last year, the head of the police was the most influential member of the municipal body. This was open to great and just objection. The municipality should rule the police, not the police the municipality.

10. It is provided by the existing law,‡ that it shall be lawful for the chairman of the justices, who is the head of the municipal body, to hold also the office of commissioner of police for the town of Calcutta, if he shall be appointed to such office by the Lieutenant Governor of Bengal. I believe that such fusion of the two offices is the first thing that is necessary. This, however, would not alone be sufficient. The great object being, as before stated, the constitution of a strong executive, it appears essential that the head of the municipality should possess certain other powers.

11. Under Section 5 of the Calcutta Police Act (Act XIII. of 1856), the commissioner of police may, with the sanction of the Governor General in Council, be invested with the powers of a magistrate of police. There is, therefore, no legal difficulty in the way of giving the chairman of the justices the same authority; nor, as a matter of principle, can this be considered more objectionable than the system which actually prevails. Many of the justices constituting the municipality are now honorary magistrates, and discharge both executive and magisterial duties. In practice, the head of the municipality need

* Section 86, Act XIII. of 1856.
† Section 237, Act VI. of 1863.

‡ Section 10, Act VI. of 1863.

hardly ever act as magistrate. All that is required is, that he should have the power to do so when necessary. Nor would there be anything in such arrangements foreign to English practice. The head of the Calcutta municipality would hold a position very analogous to that of the Lord Mayor of London, who is at the same time head of the police and chief magistrate of the City.

12. Legislation would, I believe, still be wanted to place the municipal constitution on a completely satisfactory footing. At present it may, for all practical purposes, be considered that the only two laws under which a magistrate in Calcutta can deal summarily with criminal cases that come before him are the Police Act (Act XIII. of 1856), and the Conservancy Act (Act VI. of 1863). Under these laws he can deal with most of the nuisances that arise, but not with all. Thus, for example, in the matter of throwing dead bodies into the Hooghly, the orders of his Honor the Lieutenant Governor, lately addressed to the commissioner of police, point out that this is a public nuisance within the meaning of Section 268 of the Indian Penal Code, and that it is punishable under Section 290. But, although legally a public nuisance, this is not a nuisance the punishment of which is provided for by either of the laws under which the magistrates of Calcutta act, and, consequently, every case of the kind must be committed for trial to the High Court. This is almost equivalent to saying that nothing can be done at all. It appears essential that the police magistrates of Calcutta should be empowered by law to deal summarily with all offences affecting the public health, safety, convenience, decency, and morals, punishable under Chapter XIV. of the Indian Penal Code, and in which the penalty does not exceed six months' imprisonment.

13. Under the existing law, the processes which have to be gone through before offences under the Conservancy Act can be punished are not sufficiently summary. At the present time, the delay in disposing of these cases is enormous. The greater part of this delay is, however, not the fault of the law, but of the manner in which it is administered. It seems hardly credible, but it is nevertheless a fact, that, as a general rule, a fortnight or three weeks elapse between the time at which information is laid before the justices of an offence against the Conservancy Act having been committed and the decision of the case by the magistrate. I have heard of no other part of India in which such delays in the administration of justice are possible. Although, as I have just said, this is not mainly the fault of the law, the power of dealing with nuisances which the law now gives to the magistrates is not sufficiently summary.

14. It appears essential that power should exist similar to that which Section 68 of the Code of Criminal Procedure gives to the magistrate of the district in all places outside Calcutta. Under that section the magistrate may, except in certain specified classes of cases, "without any complaint, himself take cognizance of any offence which may come to his knowledge, and may issue a summons, or, in cases where a warrant may issue, a warrant of arrest against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person."

I think that the head of the municipality, who, under the plan suggested in this Minute, would also be head of the police, and a magistrate, ought certainly to possess this power of instant action in all offences under the Police and Conservancy Acts, and under Chapter XIV. of the Indian Penal Code. Whether the same power should be given to all magistrates appears questionable. It might be desirable to provide by law that this authority shall be exercised only by such magistrates as shall be duly empowered by the local government.

15. I think, also, that powers similar to those described in Sections 62 and 63 of the Code of Criminal Procedure should be given to all magistrates in Calcutta. These sections make it lawful for any magistrate, by a written order, to prevent obstructions and nuisances, and to prohibit any person from repeating or continuing a public nuisance.

The whole of Chapter XX. of the Code of Criminal Procedure regarding local nuisances might also, with great advantage, be made applicable to Calcutta.

Under this chapter the appointment of a jury is necessary in all doubtful cases, and security is provided for full publicity, and against the exercise of any improperly arbitrary power.

16. If all these measures that have now been indicated were adopted, I believe that the head of the municipality would possess sufficient power to enable him to carry out the measures necessary for the suppression of the nuisances which now disgrace Calcutta, and for the maintenance of the city in a proper sanitary state. I see no reason why a few months hence all the more offensive of the present abominations should not have been got rid of, and Calcutta be at least as clean and decent as Lucknow or Lahore. So far as the European community are concerned, I believe that every one will give his hearty support to any measures which may afford a reasonable hope of escape from the present intolerable evils.

John Strachey,
President of the Sanitary Commission for Bengal.

Calcutta, 5 March 1864.

(No. 185.)

From *F. R. Cockerell, Esq.*, Officiating Secretary to the Government of Bengal,
to the Chairman of the Justices of the Peace of the Town of Calcutta;
(No. 1814), dated 18 March 1864.

I AM directed by the Lieutenant Governor to forward to you the accompanying copy of a Minute on the sanitary condition of Calcutta by the President of the Sanitary Commission for Bengal, and to request that you will be so good as to report in detail what has been done, and what is being done by the justices for the better conservancy of the town, independent of the drainage works in progress, which are not yet in use even in the limited block within which the drains have been constructed, and which cannot, for some years to come, be of any use towards cleansing the Northern Division.

2. The attention of the justices is requested to the observation made by Mr. Strachey, that the rules and regulations for the conservancy are for the most part good, and that it is owing to weakness in the executive authority that the regulations are not properly carried out, and that the law for the suppression of nuisances is not enforced. I am also to point out the large powers vested by the Municipal Act in the justices, and especially Section 28, which provides that the chairman and vice-chairman shall be competent to exercise all the powers vested by the Act in the justices, except in so far as it forbids them to act in opposition to, or contravention of, any order of the justices, or to exercise any power which can be exercised only by the justices at a meeting; and to ask in what manner and to what extent that section is acted upon, and why it has been found insufficient for the purpose it was intended to meet. You are also desired to state whether any advantage would arise from making the chairman and vice-chairman magistrates of police.

3. It must be borne in mind that the great objection urged against the system of municipal government, which preceded that now existing, was that the municipal authority was vested in the chief officer of police, and that it was impossible for one officer to superintend both the police and the conservancy of the city. It will also be remembered that it was with considerable difficulty that the Legislative Council was induced to pass that clause in the Act which enables the Government to appoint the chairman of the justices to be also Commissioner of Police; and it was only upon the understanding that the separate system should have a fair trial before any such arrangement was made that the council agreed to the clause. You are now requested to report how the separate system has answered,—whether in matters of conservancy and in the suppression of nuisances you are hampered by the want of authority over the police, whether the duty of the police in this respect has been neglected, whether you have any difficulty in enforcing the performance of it, and whether you would recommend that the offices of Chairman and Commissioner of Police should be again united, bearing in mind that although it is a very important part of the duty of the police to enforce sanitary regulations, and one which they cannot be suffered on any account to neglect, it is after all but subsidiary to the still more important duty of preserving order and preventing and detecting crime.

4. The Commissioner of Police has been requested to place himself in personal communication with you, in order that together you may make such arrangements that the two departments may work in concert, and that the whole power of the police may be brought to bear on the main object for which the municipality is constituted.

5. A Bill is about to be brought into the Governor General's Council for enabling the police magistrates of Calcutta to deal summarily with offences under chapter XIV. of the Penal Code.

6. You are further desired to explain the cause of the delay in disposing of offences against the Conservancy Act referred to in paragraph 13 of the Minute, and to take immediate measures to remedy it, and you are requested to state whether the authority given to district magistrates under the Code of Criminal Procedure might, as suggested in paragraph 14, be vested in the chairman and any other of the justices, or whether the authority they now possess in this respect

is sufficient. You should also report on the suggestions made in paragraph 15 of Mr. Strachey's Minute.

7. You are also requested to report whether any, and, if any, what arrangement has been made for the regular and systematic inspection of the town by the justices. The Act provides for the appointment of committees for this or any other purpose, and it seems to the Lieutenant Governor that there is no way in which the justices can be more usefully employed than in frequently visiting assigned portions of the town, in seeing that the conservancy regulations are properly enforced, and in presenting nuisances to the notice of the chairman, in order that prompt measures may be taken for their prevention, and that those who are responsible for preventing them may, if neglectful of their duty, be duly punished.

(No. 186.)

From *F. R. Cockerell*, Esq., Officiating Secretary to the Government of Bengal, to the Commissioner of Police, Calcutta; (No. 1815) dated 18 March 1864.

I AM directed by the Lieutenant Governor to forward to you the accompanying copy of a Minute on the sanitary condition of Calcutta by the President of the Sanitary Commission for Bengal, and, with reference to the remarks contained in the 9th and succeeding paragraphs, to request that you will be so good as to report whether, in your opinion, the offices of Chairman of the Justices and Commissioner of Police should be again united, bearing in mind that, although it is a very important part of the duty of the police to enforce sanitary regulations, and one which they cannot be suffered on any account to neglect, it is after all but subsidiary to the still more important duty of preserving order and preventing and detecting crime.

2. You are further requested to explain why the duties of the police have been neglected in the manner pointed out in Mr. Strachey's Minute, and to state what instructions the police have received in regard to the performance of their duty in this respect, and what means are taken to see that they perform it. The Lieutenant Governor desires that you will personally explain to every man of the force what the law requires him to do, and draw up a manual of concise rules for their guidance, and yourself see that those rules are everywhere observed.

3. His Honor desires that you will put yourself in personal communication with the Chairman of the Justices, and with him make such arrangements that the two departments may work in concert, and that the whole power of the police may be brought to bear on the main object for which the municipality is constituted.

4. I am to add that a Bill is about to be brought into the Governor General's Council for enabling the police magistrates of Calcutta to deal summarily with offences under Chapter XIV. of the Penal Code.

5. You are further desired to state whether the authority given to district magistrates under the Code of Criminal Procedure might, as suggested in paragraph 14, be vested in the Commissioner of Police, or whether the authority he now possesses is sufficient. You should also report on the suggestions made in paragraph 15 of Mr. Strachey's Minute.

(No. 187.)

From *F. R. Cockerell*, Esq., Officiating Secretary to the Government of Bengal, to the Secretary to the Sanitary Commission for Bengal; (No. 1816), dated 18 March 1864.

I AM directed to acknowledge the receipt of your letter, No. 1, dated the 5th instant, and in reply to convey to the Sanitary Commission an expression of the Lieutenant Governor's thanks for the Minute on the sanitary condition of Calcutta by their President, forwarded therewith.

2. I am

2. I am also to forward, for the information of the Commission, the accompanying copy of a letter, No. 1814, this day addressed to the chairman of the justices of the peace for the town of Calcutta, with the view of directing the special attention of the justices to the points commented on by Mr. Strachey.

3. The Commissioner of Police has also been addressed in reference to the subjects which more immediately concern his department, and the Lieutenant Governor hopes shortly to see the municipal and police departments working together in such a manner as to remove all cause of complaint.

(No. 118.)

From *S. Wauchope*, Esq., c. b., Commissioner of Police, Calcutta, to the Officiating Secretary to the Government of Bengal; (No. 377), dated 2 April 1864.

I HAVE the honour to acknowledge the receipt of your letter, No. 1815, of the 18th ultimo, enclosing copy of a Minute on the sanitary condition of Calcutta, by the President of the Sanitary Commission for Bengal, and calling for a report on certain points embraced therein.

2. In reply I beg to state, that I am of opinion that the offices of Chairman of the Justices and Commissioner of Police should not be united so long as the head of the municipality and the head of the police act in concert. I know no reason why they should not do so, and I can confidently appeal to the Chairman of the Justices as to such having been the case, so far as our respective departments are concerned.

3. It is utterly impossible for any man, even if one could be found possessing the peculiar talents necessary for the purpose, to superintend personally and thoroughly the working of both departments. If he devoted his attention chiefly to the municipality, the police would be in the hands of a subordinate practically irresponsible, and the credit due to whose administration would be absorbed by the nominal head.

4. The system has been tried before, and found not to answer. Till 1850 the chief magistrate, who was head of the municipality, carried on the duties of the police through a highly paid subordinate, and the Honourable the Lieutenant Governor will doubtless remember the lamentable collapse of the Calcutta police carried on under this system.

5. The chief magistrate after 1850 was therefore compelled to superintend personally his police; and the municipality under his presidency, with the aid of that most able and distinguished officer Colonel Thuillier, the present Surveyor General of India, lasted nearly 13 years, when it came to an end from positive want of funds to carry out any improvements. The system of having each department under a separate officer is now under trial, and I think it altogether premature to assert that this, which has been tried only for a few months, is a failure.

6. The police department is the instrument for the prevention and detection of crime, as well as one of the means of protecting the health of the inhabitants from dangers arising from breaches of the Conservancy Laws; and while again asserting that the two heads should act in concert, I must say that I shall grieve to see the day when it is authoritatively laid down that the removal of street nuisances shall be the first consideration with the police, and the protection of life and property the next, which would certainly follow if the head of the municipality was also head of the police.

7. The allusion to the Lord Mayor of London being the head of the police and chief magistrate of the City is, I think, unfortunate, the City of London police being notoriously much less efficient than that of the other metropolitan districts, which is distinct from the municipality, and but for the reluctance of the Legislature to interfere with what were deemed to be the privileges of the City, would long before this have been extinguished as a separate body, and incorporated with the metropolitan police force.

8. I confess that I know no more difficult subject than the proper method of dealing with nuisances by means of the police. In theory nothing seems easier than to issue instructions to the police to arrest all persons committing offences against the Conservancy Laws, and bring them up before the magistrates for punishment. But on the other hand it must be remembered, that at the present moment there is not a single necessary in Calcutta, not a single urinary except those built near Tank-square a few years ago, not a drop of water which the poorer classes can obtain for washing purposes except from the aqueducts, which is unfit, from brackishness and mud, for any other purpose, but which they are prohibited by law from using in the streets. Let it also be remembered, that from the want of municipal carts, the excavations of the drains and sweepings of the town are allowed to remain for days on the roads; that there is no way of removing night soil, except by mehters; and that if the whole of that class of men were employed for this purpose alone, there would not be a sufficient number to carry it all away. Under these circumstances it seems to me that the letting loose an underpaid police to prevent that which cannot be avoided would, in addition to its very doubtful legality, be most harsh and oppressive. Neither is it right to arrest any without a reasonable probability of their conviction, and as the magistrates of Calcutta are perfectly well aware of the facts I have mentioned, they will either not convict persons charged with such offences, or if they do convict them, sentence them to punishments which are in no way deterrents.

9. But that I may not be considered singular in this opinion, I have only to quote those of my predecessors in office. Mr. Mills, lately described by the Honourable the Lieutenant Governor of Bengal as the ablest and most trusted officer the Government ever had, issued positive orders that in petty offences inspectors, darogahs, and serjeants of police might detain non-resident offenders, to ascertain their name and addresses, but that no police officers under those grades were to exercise any such power. His successor, Mr. Elliott, considered at the time of his appointment one of, if not the best magistrate in Bengal, on becoming chief magistrate, altered this rule for a very short period, but was obliged to issue a general order, to the effect that "the police are likely to be deteriorated as to the discharge of their own more proper duties, by the degree to which they are now turned into Conservancy officers. I desire that no chowkeydar on his beat be allowed to take up any person for making water in the streets, or exposing goods for sale on the roads, or any of the really trivial offences mentioned in the Conservancy Act. The law was enacted to benefit, not to annoy the community, and while I am glad to have a stringent law to enforce, I wish to use that law with all moderation for the public good."

10. My immediate predecessor, Mr. Cockburn, also found it necessary to issue directions to the police calling attention to Mr. Elliott's order quoted above, and prohibiting "the interference of chowkeydars in all cases of nuisance, washing lotas, hands, and feet in the aqueducts, and other such like trivial conservancy offences."

11. Had I followed in the steps of officers of such tried experience and judgment as these, I think I should have been exonerated from the charge of neglecting the duties of the police; but I have gone much further than they ever did, and have endeavoured, without acting oppressively towards the population generally, to put a stop to conservancy offences when committed flagrantly, or in a manner likely to offend against decency.

12. As I do not claim much consideration for the mere assertion of facts or opinions, I have prepared a table showing what assistance has been rendered by my police to the municipality in the matter of nuisances during the past six years:—

<i>Years.</i>								<i>Persons.</i>
1858-59	-	-	-	-	-	-	-	3,572
1859-60	-	-	-	-	-	-	-	4,457
1860-61	-	-	-	-	-	-	-	6,541
1861-62	-	-	-	-	-	-	-	6,099
1862-63	-	-	-	-	-	-	-	6,911

and in the 11 months of 1863-64, during which period I am said to have been
in

in antagonism with the municipality, no less than 8,447 persons were brought up.

13. It seems to me that the memorandum by Mr. Strachey on the condition of Calcutta has intervened at a period of transition after the former municipality had failed to carry out any sanitary reforms from the utter want of funds, and before the present Corporation have been able to effect the improvements they have in contemplation. To my mind, the judicious expenditure of money on a supply of water, public necessities, and scavenger carts, if aided by the police, so as not to act oppressively, is likely to be far more successful than the indiscriminate arrests of persons offending against a law based on English institutions, and enacted on the supposition that Calcutta was or would be provided with the sanitary arrangements found in every English town.

14. With reference to the instructions contained in the 2d paragraph of your letter under reply, I have the honour to state that in 1856 I drew up a manual of rules for the guidance of the police, and these were sanctioned by the Government with the concurrence of the Advocate General. In it the duty of every officer, from the Commissioner downwards, is defined as far as was possible, and every officer of police is expected to make himself acquainted with its contents. It is impossible to pass more definite orders regarding the arrest of persons charged with petty offences, for if every underpaid chowkeydar was entrusted with the enormous power of detaining persons, I am afraid that the evils arising from its abuse would far more than counterbalance the advantage of stopping simple street nuisances.

15. I am convinced that the Bill now before the Governor General's Council for enabling the police magistrates of Calcutta to deal summarily with offences under Chapter 14 of the Penal Code will be productive of much good, and I trust the day is not distant when similar powers with regard to the whole of the code may be extended to the stipendiary magistrates, who are almost invariably officers of experience.

16. There is nothing that I am aware of to prevent at present the head of the municipality exercising the powers described in Section 68 of the Code of Criminal Procedure, and it is quite lawful for any magistrate to issue a written order to prevent obstructions and nuisances. The application of Chapter 20 of the Code of Criminal Procedure to Calcutta regarding nuisances would, I think, in some respects be advisable, though as the whole subject was under consideration when the Calcutta Municipal Bill was enacted last year, its introduction was then, I imagine, considered improper.

17. In conclusion, I need only say that my best efforts shall be devoted to the enforcement, as far as is practicable, of sanitary regulations. I shall endeavour to work, as I have hitherto worked, in concert with the chairman of the justices, from whom or from any person I shall always be glad to receive information, suggestions, and complaints regarding the conduct of the police.

(No. 119.)

From *R. Turnbull*, Esq., Secretary to the Justices of the Peace for the Town of Calcutta, to the Officiating Secretary to the Government of Bengal (No. 714), dated 4 April 1864.

I AM directed by the chairman of the justices to acknowledge the receipt of your letter No. 1814 of the 18th ultimo, and to supply the information therein called for by his Honor the Lieutenant Governor of Bengal on the following points:

1st. The measures that have been or are being taken by the justices for the better conservancy of the town, independent of the drainage works in progress.

2d. The manner and extent to which Section 28 of Act 6 of 1863 has been acted upon; the cause of the insufficiency of the section for the purpose it was intended to meet; and the expediency of making the chairman and vice-chairman magistrates of Calcutta.

3d. The result of the separate system whereby the superintendence of the police and of the conservancy of the city is vested in separate officers; whether in matters of conservancy and in the suppression of nuisances the chairman is hampered by the want of authority over the police; whether the duty of the police has in this instance been neglected; whether any difficulty is experienced in enforcing the performance of this duty; and, lastly, whether the union of the offices of chairman and commissioner of police is recommended.

4th. The cause of the delay in disposing of offences against the Conservancy Act, and the expediency of vesting the chairman or any other of the justices with the authority given to district magistrates under Section 68 of the Code of Criminal Judicature, of vesting the magistrates with the power conferred by Sections 62 and 63 of the same code, and of rendering the whole of Chapter 20 of that code applicable to Calcutta.

5th. And, lastly, the arrangements which may have been made for the regular systematic inspection of the town by the justices.

2. When the justices took charge of the town on the 1st of last July, one of the first measures which the chairman had to undertake, in accordance with the provisions of the Act under which the existing municipality is constituted, was the preparation of a Budget for the half-year ending December 1863 and for the following year. Some of the sources of taxation from which the municipal income was to be derived were entirely new, and there were no data from which to calculate with any reliable accuracy the return they would yield. It was, therefore, necessary to bring the expenditure well within the probable means. Further, the state of the roads was such, more especially in the northern division of the town, as to require a large and immediate expenditure, and provision had to be made for the extension of the drainage works and for the introduction of a water supply. The importance of improving the conservancy of the town was not, however, overlooked, but with the numerous calls on the municipal income it was considered advisable not to adopt any change in the system of conservancy carried out by the late Municipal Commissioners, until experience had shown in what direction remedial action could be best taken, but rather at once to supply those defects which were patent on the surface.

3. These defects were insufficiency of supervision and of the appliances requisite for the efficient scavengering of the town. To remedy the first evil the overseers of the six divisions of the town, in whom were previously united the duties of supervision over the roads as well as over the conservancy of the town, were freed from one portion of their duties by the appointment of separate overseers in the road department, so that their whole time might be given up to their conservancy duties; and to meet the second defect, the number of scavengers was largely increased, and provision was made for the purchase of 100 additional carts and cattle; while the necessity of disposing in some more satisfactory manner of the sweepings of the town was recognised and provided for, with a view to increase the efficiency of the means of its conveyance, and to prevent the injury to public health which resulted from the mode previously adopted for its disposal. To meet the expenditure to be incurred for these purposes, an allotment was made for the Conservancy Department, which exceeded, by more than 50 per cent., that which had been expended by the late Commissioners during the corresponding period of the previous year. The chairman not only carried out these measures for increased efficiency in the scavengering department, but he was obliged to exceed by 150 per cent. the number of additional cattle sanctioned in the Budget, and the result has been that heaps of dirt which had accumulated in the streets, more especially in the north of the town, previous to the date on which the justices assumed charge, have been cleared away; that each day's deposits are now, except in some few exceptional instances, carted off within the day; and that more has been done towards cleaning the drains than had ever been previously effected within the same time.

4. During the progress of these measures for the better cleansing of the town, attention was given to the suppression of nuisances and of trades and occupations dangerous to public health, and more especially to the prevention of the most pernicious but most prevalent practice of depositing night soil within the drains of the town.

5. It

5. It should be mentioned that all the night soil of the town was required by the orders of the late municipality to be conveyed to a ghaut on the river side, situated at a short distance above the Mint, there thrown into boats and dropped into the middle of the stream.

6. As a partial remedy for this most offensive practice, it was proposed that the night soil should be carried some distance down the river, and provision was made in the Budget of 1864 to carry out this proposition; but it soon became apparent to the chairman that not one-tenth of the night soil of the town ever found its way to the night soil ghaut, 90 per cent. being thrown into the public drain under cover of the night, which found its way, a portion into the Hooghly direct, a portion into Tolly's Nullah, and the remainder into the Circular and Balliaghatta Canals. To throw daily 200 tons (the amount which it is calculated must be produced each day within the town) into the Hooghly would be most injurious to the health of the city, and more especially of all those residing on the banks of the river or employed in the shipping, and therefore the project was abandoned, and a scheme is now in course of preparation by the health officer for the dry conservancy of the town, for the collection of the whole mass of night soil daily, and for its disposal beyond the limits of the town.

7. The state of Calcutta so severely, but, in many respects, so justly, commented on by the President of the Sanitary Commission of Bengal is mainly due to the practice of throwing night soil into the drains. To effect a reform merely by enforcing the penalties of the law is hopeless, though this course has not been and will not be neglected; what is required is, that facilities should be provided for the disposal of the night soil elsewhere, under more strict precautions against the evasion of the rules and regulations enacted for that purpose; but to carry out such a scheme is to run counter to the habits of years, and to insist on the reconstruction of all the privies within three-fourths of the town at a large expense, not only to the municipal funds, but also to the residents, and the plan which is to be adopted to meet these difficulties must be carefully considered and carefully introduced.

8. The chairman has dwelt on this subject, though a most disagreeable one, because it of all others lies at the root of the existing unsanitary condition of Calcutta, and if it can be satisfactorily disposed of, surface drains might in many instances be substituted for deep drains, which form large cesspools, and those of the deep drains which must be retained at their present dimensions for the drainage of the town during the heavy rains, might be rendered comparatively clean and free from deleterious matter. This subject of the transformation of the existing drains into surface drains is one of considerable difficulty, and in proof of this assertion, the chairman annexes a memorandum on the subject from the engineer of the justices.

9. A water supply is so intimately connected with the question of efficient conservancy, that mention must be made of the arrangements effected by the justices for affording to the northern division the same facilities for obtaining water which the inhabitants of the southern division receive by means of the Chandpaul engine. It has been determined to establish an engine and the necessary apparatus for raising a large quantity of water at Nimtollah Ghaut. The engine and pumps are purchased; the masonry for them and for a reservoir for the storage of the water is rapidly approaching completion; a considerable quantity of iron piping is on its way from Scotland, and the works are expected to be in active operation before the close of the year. Additional facilities will thus be obtained for cleaning and flushing many of the drains of the worst portion, as regards drainage, of Calcutta.

10. The practice of throwing human bodies into the river has been stopped, and the cremation of the pauper dead is now done by and at the expense of the municipality.

11. Further, the health officer has been engaged in a thorough investigation of the extreme northern division of the town, which will be extended to the remainder of the city, with a view to obtain accurate and reliable data on which to carry out, on a systematic principle, whatever may be required for its sanitary improvement, so that whatever is done with that intention may form a part of

one well-considered scheme, to be completed as the funds at the disposal of the justices may permit.

12. The chairman, in concluding his remarks on the first point on which report is required, would observe in recapitulation that, during their incumbency of nine months, the justices have incurred an expenditure of 50 per cent. in excess of that of any previous year in the Conservancy Department; that they have thus effected the removal of the accumulated filth of previous years; have been able to clear the streets of their daily deposits; have cleansed the drains to a greater extent than has hitherto been done within the same period; have enforced a stricter supervision in the department; have prosecuted vigorously offences against the Conservancy Act; have arranged for a supply of water in the Northern Division similar to that enjoyed by the Southern Division; have suppressed the practice of throwing human bodies into the river; have provided for the cremation of the pauper dead at the expense of the municipality; have commenced a minute examination of the sanitary condition of each division of the town with a view to its systematic improvement; and, finally, while carrying out these alternative expedients, have provided financially for the extension of a more perfect system of drainage and for the introduction of a diffused supply of pure water: measures on which alone must be based all permanent and extensive improvement.

13. Further, the justices are now engaged in the consideration of the very difficult but important questions of the removal, beyond the limits of the town, of its night soil and other filth, with a view to their disposal in such a mode as not to be injurious to the public health; of substituting for the present expensive and precarious means of carriage obtaining in the conservancy, an agency which, while more economic, will be more certain and efficient; and of effecting by increased supervision, and by the adoption of palliative measures, the early improvement of the existing drains in anticipation of the gradual introduction of the system of underground drainage.

14. The chairman cannot accept the construction placed in the 2d paragraph of your letter on Mr. Strachey's observation, to the effect that the law for the suppression of nuisance is not enforced. His assertion seems rather to be that the law has not been fully enforced, owing to the insufficient power on the part of the justices over the only means of executive action, than that it has not been enforced at all, and such is the case; for to the extent of the limited agency under the control of the justices, the law for the suppression of nuisances has been enforced, and enforced with much benefit. The justices have never expected that the enforcement of the law alone will alter the customs and practices of years, unless measures striking more immediately at the root of the evil be simultaneously adopted.

15. The power vested in the chairman and vice-chairman under Section 28 of the Act has been extensively exercised by them; and if the intention of that section be to give free scope in all executive matters to the chairman, and to place in his hands the vigorous working of the Act, as well as the responsibility attending such authority, the chairman must maintain that that section has not "been found insufficient for the purpose it was intended to meet." The chairman has not sought to avoid the responsibility which by that section devolves upon him, nor have the justices shown themselves desirous of unduly restricting the power it conveys.

16. The principle on which the chairman has acted in this respect has been to submit, for the decision of the justices as a body, all questions involving any large principle, after having himself duly considered the subject in consultation with those gentlemen who were nominated at the first meeting of the justices as members of the various committees appointed in accordance with Section 30, for the purpose of advising and aiding the chairman in the several departments of finance, conservancy, drainage, water supply, city improvement, lighting, and the preparation of bye-laws. The principle once accepted and the necessary provision once made in the Budget, the execution of the sanctioned measures has been carried out by the chairman and by the vice-chairman, acting under the orders and on the responsibility of the chairman. As regards conservancy, every power which the chairman could exercise under the 28th section

has

has been used when its exercise was necessary, except that specified in Section 209 relating to the prohibition of burial and burning grounds, where, on the occurrence of an occasion for the application of that section, it was deemed advisable to refer the subject, owing to its extreme importance, to the justices at a meeting.

17. The chairman or vice-chairman would not ordinarily be able to act magisterially without prejudice to their more legitimate duties, yet occasion might occur when the possession and exercise of magisterial powers would be very beneficial, and therefore the chairman concurs in Mr. Strachey's recommendation that, though practically the power would rarely be brought into play, that power should be placed in the chairman's hand, and the chairman would further extend it to the vice-chairman.

18. The experience of the past nine months has convinced the chairman that to secure effective conservancy the control of the police and of the municipality should be vested in the same person; and it is undoubted that whatever might have been the impression entertained on this point when the Municipal Act was under consideration, day by day the opinion is gaining strength that the separate system is in fault, so far as regards "the maintenance of the town in a proper sanitary condition." The municipality may enact admirable rules and regulations for the conservancy of the town, but it is on the police that the beneficial result must depend.

19. The police, and the police only, are vested with the power of arrest, under certain conditions in all cases of breach of the Conservancy Act coming within their cognizance, and are bound to report the commission of all such offences to the justices, but in this duty they have most undoubtedly hitherto utterly failed. The chairman has no reason to complain of want of co-operation on the part of the head of the police; on the contrary, the Commissioner of Police has invariably shown himself anxious to co-operate, but the fact remains the same, that the police have failed to perform their duty in this respect, and no one has had better opportunity of ascertaining the truth on this point than the chairman, who has, in his frequent inspections of the town, noticed the utter disregard shown by the police to the commission of offences against conservancy laws in their very presence. Did the Commissioner of Police hold also the office of chairman of the justices, such remissness would not be tolerated, and the police would soon learn that such neglect inevitably resulted in severe punishment.

20. For the one officer to bring to the notice of the other the constant misdoings of his sub-ordinates must destroy all co-operation between the two, as each will naturally support his own people, believing the defence in preference to the accusation, and antagonism between the two departments, however veiled under the guise of courtesy, must exist. Why the police have in this respect neglected their duty may admit of explanation, for it was, it is believed, long the axiom, that they could be allowed no action in conservancy matters without abuse of the power.

21. However this may be, the fact remains that, in the matter of conservancy the separate system does not answer; that in that instance and in the suppression of nuisances, action on the part of the justices is hampered by want of authority over the police; that the duty of the police is in this respect neglected; that difficulty is experienced in enforcing the performance of it; and that it would be most advantageous, in a conservancy point of view, were the offices of Commissioner of Police and chairman united.

22. But there remains the very difficult question whether, bearing in mind that the enforcement of sanitary regulations, however important a duty of the police, is but secondary to that of the preservation of order and of the prevention and detection of crime, and taking into consideration the onerous duties to be performed in both offices, the amalgamation could be effected without prejudice to the proper discharge of their duties. Of this the chairman is convinced that, until the office he holds has been thoroughly organized, such a union is unadvisable. His sole and undivided attention must be given for some time to that one object, but he believes that that object effected, the union is possible and decidedly expedient, provided that arrangements were made to free the Commissioner of Police from the detail of his office.

23. It is no valid objection to such a union of office that the system of municipality is considered to have failed, first, when the chief magistrate was the sole head of the municipality, secondly, when the Commissioner of Police was the President of the Municipal Commission, for circumstances attending the union of offices then and now would not be similar. In the first case the chief magistrate had no sufficient aid in the municipal portion of his duties. In the second, though there was a sitting commissioner, yet the constitution of the board was such, that notwithstanding he was the working man, and the mainspring of the system, he shared the credit as well as the responsibility with others, who having other, and what they naturally would consider more important, appointments, looked on the municipal duties as merely secondary. Under the present system the chairman is assisted by a most efficient staff. He has a vice-chairman of great experience in municipal matters, and of great and general ability, empowered under the Act to exercise all the powers of the chairman, and therefore capable of disposing, under the orders, and on the responsibility of the chairman, of all the duties of the office. He has also an engineer of known ability to superintend under the same control the important duties of that department, and he has in addition a health officer to supervise the conservancy. With such assistance, and with the office once organized and in systematic operation, the union of the two departments should be carried out without detriment to the duties of either, for the Commissioner of Police, with a trustworthy and active deputy commissioner, should be able to exercise a general control over the operation, of both departments, which would then most beneficially re-act on and co-operate with one another.

24. The delay in disposing of conservancy cases, to which allusion is made in Mr. Strachey's report, was caused by the long interval between the sittings of the justices before whom conservancy cases were brought. The sittings were held once a week, and as all summonses were then signed by the sitting justices, six days might elapse before the summonses could be signed, and another seven or even fourteen before the case would be brought up for hearing. By arrangements lately made with the Commissioner of Police, all summonses in such cases are prepared at once in the justices' office, signed by the chairman and vice-chairman, and forwarded to the Commissioner of Police for service, and they come on for hearing at the earliest date, the justices now sitting four times or so a week.

25. There is some difficulty, it is believed, in obtaining a sufficient number of justices willing to give up their time and to attend for this purpose, and it might be advisable to appoint a paid magistrate solely to dispose of conservancy charges.

26. In the Calcutta Court all charges in conservancy cases are taken cognizance of by the magistrate on the overseer or other person authorised by the chairman preferring a charge; no complaint on oath from private individuals is requisite; even were a justice to be himself the witness of the commission of an offence, he would probably find it more convenient to have the charge preferred through the overseer, than to attend the court to prosecute or to take out summonses against the offenders; and as he cannot, though having personal cognizance of the commission of an offence, punish the offender, except when sitting as a magistrate, the mere fact of being vested with the power of taking cognizance of an offence without complaint made, would be of little use.

27. The power conferred by Section 62 of the Criminal Procedure Code is so very indefinite, from the very comprehensive and broad terms in which the section is worded, that its extension to the magistrates of Calcutta would cause more difficulty than good. Act VI. of 1863, and the bye-laws which have been or may be passed in accordance with it, sufficiently provide for the punishment of offences against conservancy, and for the repetition or continuation of any nuisance, and therefore the chairman does not consider it necessary to vest the magistrates of Calcutta with the power specified in the 62d and 63d sections of the Criminal Procedure Code. This is still more the case as regards the applicability of the whole of Chapter XX. of the Criminal Procedure Code to Calcutta; the procedure laid down in Act VI. to meet similar cases is far more expeditious and easier set in motion, than that adopted in the Criminal Procedure Code.

28. When the chairman assumed charge of his office, he requested the several justices to bring to his notice any infraction of the conservancy laws which

which came within their knowledge, or any useful measures which they might deem expedient; but finding that his request was not generally attended to, he subsequently divided the town into sub-divisions, with a view that each should be placed under the supervision of one or more of the justices, and sought their co-operation in a letter, copy of which is annexed. Out of 31 justices who were addressed, 22 have undertaken the task, while two have expressed their inability to devote sufficient time for the duty; so many of the European justices are engaged in business, which demands their full time and attention, that the proposed system of supervision rarely can be carried out except in the native portion of the town, but it is in those parts chiefly that this supervision is required.

(No. 120.)

CALCUTTA CONSERVANCY.

MEMORANDUM by *W. Clark, Esq.*, Engineer to the Justices of the Peace for the Town of Calcutta. (Dated the 28 March 1864.)

I HAVE, at the Chairman's request, perused a Minute on the sanitary condition of Calcutta, by the President of the Sanitary Commission for Bengal.

I am quite unable to enter into the comparison which is therein made between Calcutta and other places in India; but I am fully impressed with the extent and baneful effects of the nuisances he describes as existing in this city.

Undoubtedly much may be done in the way of improvement, even under existing circumstances, but it can only be secured by great vigilance and a constant and energetic supervision.

It is not required of me to note past deficiencies, but to point out the remedies which appear best suited for effecting improvement, and in doing so I shall endeavour to explain some of the difficulties attendant upon the present state of affairs, which will continue to operate until a properly constructed system of drainage and water supply is completed.

I am not aware what are the physical features pertaining to the cities of Northern India to which Mr. Strachey alludes; if, however, the soil be of a drier character, instead of soft mud, or if it be rock, and its surface elevated and undulating, unlike Calcutta, which is as nearly as possible flat, and level with high water of a tidal stream; if, moreover, the amount of rain-fall be less in quantity than here, then each of these are reasons why those cities should be in a better sanitary condition. It is admitted that Calcutta is larger; in that fact rests also a larger element of difficulty than is there experienced.

Calcutta possesses what may be termed surface drainage, which, as a system, has its advocates even over deep covered sewers.

Imperfect and disgusting as the drains are admitted to be, they are nevertheless indispensable during the periodical rains. It may be well to consider what would be the effect of filling up these surface drains entirely, as has been suggested.

The quantity of rain which falls per annum in Calcutta is about 67 inches, and it may be roughly stated that three-fourths of this falls during the four months of the rainy season. The two processes by which it is removed are evaporation and drainage; large as is the former amount, it falls far short of the depth of rain-fall during that period, and without drainage, imperfect as it is, no doubt the streets and general surface of the town would remain under water until evaporation should have taken up the entire quantity. One of the most active agents for conveying miasma and spreading disease would thus be in operation for a longer period, and in a more intense form, than at present. The surface drainage so far prevents this, and for this only is it useful.

When I first arrived in Calcutta the then Commissioners had commenced the improvement of certain blocks of buildings, by re-arranging their surface drainage. Improvement blocks Nos. 1 and 2 were completed; they are in the neighbourhood of Government House, not far from the river, and connected therewith by somewhat large and deep covered sewers, into which this surface drainage was discharged; and it was in contemplation to improve the whole town by the same process. How impracticable this would have been may be easily explained.

The above two blocks owed their improvement, such as it was, entirely to the existence of the covered sewers alluded to, and their near proximity to the river. The covered sewers in fact are the termination of the lines of surface drainage extending far into the city.

Imagine a block differently situated; take for instance an area bounded by the Chowringhee-road, Lindsay, Sudder, and Free School Streets, and removed about one and a half to one and three-quarter miles from an intermittent tidal outfall. Imagine the drain in Madge's-lane to be one foot deep at its highest point, and winding its way through a variety of streets and lanes inhabited by rich and poor, and with a fall of two feet per mile only (which is quite insufficient to keep it clean), this surface drain at and near its outfall will then be four feet six inches deep.

The cook-room filthy water, &c., from Madge's-lane, if it ever reaches the outlet, must

pass Lindsay-street, Free School-street, and all the other streets and lanes leading to the outfall, not only from cook-room No. 1, but from No. 2, and so on for the whole of Madge's-lane; and not from that lane only, but it must pass the houses in Lindsay-street and receive the filth from the cook-rooms from No. 1 to No. *x*, and not only these streets, but Free School-street, and all the other streets and lanes with their hundreds of houses and huts must be passed, each contributing their quota of filth, so that the filth from Madge's-lane must exercise its pernicious influence not only in the locality where it is produced, but in all the intermediate places through which it passes, gradually increasing in quantity, till it reaches the outfall.

If well and regularly constructed of masonry, it is easy to imagine what this surface drain will become, both in extent and appearance, for the greater part of its length, before reaching the outlet, which at certain times of the year and states of the tide would be blocked up,—a storm occurring at this juncture, the sewer would overflow and the locality be flooded.

Again, imagine a vigilant conservancy officer inspecting the daily cleansing of such a sewer; it would be cleaned by stirring up the filthy receipts of the previous 24 hours, and driving them towards the outlet, that is to say, those which had not evaporated—a process as disgusting and dangerous as can well be conceived.

What I have endeavoured to show above, as to the action of surface drainage, is the existing state of things throughout Calcutta, the cleansing excepted. The sewers, however, are not well and regularly constructed of masonry; many of them are mere ditches, which, by the annual process of excavation, become larger and deeper than is required. The cleansing process is reserved for a certain period of the year, when the road débris, washed into the drains, combined with the filth thrown into them, become a mass which can be dug out and removed by carts. Under these circumstances, during the dry season, the fluid filth put into the surface drains, exposed as it is to the full power of the sun, and with a flow so sluggish, chiefly evaporates; not 1-100th part ever reaches the outlet, and this period comprises eight months of the year, during which the surface drains of Calcutta are simply long evaporating basins of filth, and that filth chiefly consists of urine, as will be patent to any one who chooses to make his own observations; and probably of all filth nothing more rapidly becomes offensive or assumes more injurious forms than urine.

The conclusion I draw from the foregoing is this: to effect any great improvement, no filth whatever should be allowed to be put into surface drains.

Not only public privies, but public urinals must be provided in far greater number than at present, and the Conservancy arrangements must include the means of collecting and removing this matter for the entire population of the city.

In the towns of England, before the general introduction of drainage as at present, this was usually done. The dust middens of Liverpool, Hull, and other towns are instances of the means used for collecting it; these also received the ashes from domestic fire-grates, entrails, and other refuse from kitchens, but in no case that I am aware of did the municipal authorities remove stable litter. This duty in Calcutta is superadded to the foregoing.

In proportion to the population, the number of draught animals employed in Calcutta is much larger than in English towns, and unlike them, there is here no demand for the substances collected for fertilising land. The agency by which it is removed is here also of a widely different character, more expensive and more difficult of control. How far these remarks apply to the cities of Northern India I am not aware, but the daily collection and disposal of this stable litter, and the entire mass of effete matter produced by a population of 500,000 inhabitants, is a problem more difficult of solution than any one not experienced in such duties can well estimate.

The only plan which occurs to me as likely to meet the case is to separate and remove the filth somewhat differently from the present arrangements. This might be done by using small portable boxes, or dust middens, sufficiently large to contain the night soil, urine, and ashes, as well as entrails of fish, fowls, &c. and other refuse of the cook-rooms.

I believe a box one foot six inches square would contain all this matter produced in a large establishment.

The cost of these, with an annual charge for their repairs and cleansing, should be paid by the occupants of houses; a uniform size convenient for lifting and removal should be adopted. The boxes should be removed separately from the stable litter, which alone should be allowed to be placed on the street surface and removed by carts as usual.

The ultimate means to be adopted for the removal and disposal of this matter is a subject for further inquiry. The only plan which occurs to me at present is to take it by rail at once into the rural districts, where manure so valuable ought, and no doubt would in time, be utilized.

The use of Mr. McDougal's disinfecting powder would, I believe, be found a preventive against any nuisance attending its removal.

The immense quantity of solid filth which is now thrown into the open drains should be prevented; this can only be done by active inspection, to ensure that no large quantities be allowed to accumulate; in such cases charging the parties with the cost of removing it by the department.

Might not a certain number of police on duty during the day be entertained as sanitary police in addition to their other duties, and a somewhat higher rate of pay given for this purpose?

The covered sewers and drains should, as far as practicable, be kept free from road detritus, which is now blown into them as dust during the dry season, and washed in as mud

mud during the rains. There is now no provision whatever for this latter contingency; it can best be accomplished by the larger introduction of foot-paths and the construction of gully pits; these collect the dust and mud in large quantities, which should be regularly removed by a separate establishment kept for that purpose. This is especially necessary for the new sewers, the gully pits in connexion with which are in the charge of the Conservancy, and receive no regular cleansings whatever. The mud is in consequence washed into the new sewers during every shower of rain.

(No. 121.)

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Secretary to the Justices of the Peace for the Town of Calcutta (No. 1153 T.), Darjeeling, dated the 30 June 1864.

I AM directed to acknowledge the receipt of your letter, No. 714, of the 4th April last, and in reply to say that the account given in paragraphs 2 to 13 as to the measures that have been taken and are being taken by the justices for what may be termed the current conservancy of the town of Calcutta is, in the opinion of the Lieutenant Governor, quite satisfactory.

2. Now that proper attention is for the first time directed to the principal causes of the present uncleanly state of the town, and the municipality are no longer hampered by want of funds, the Lieutenant Governor is confident that the efforts of the justices will not be relaxed, and that, while they are constantly careful to provide for the daily collection of all filth, for its removal from the places in which it is deposited, and for its proper disposal at a distance from the town and suburbs, they will also take effectual means to put a stop gradually, and with due regard to circumstances, arising out of long continued omission, to enforce proper sanitary rules, but as soon as possible, to the practice of throwing night soil into the public drains, and to compel the owners and occupiers of houses and other premises to make such arrangements as will render resort to this practice absolutely without excuse. The suggestions offered by Mr. Clark in his memorandum of the 28th ultimo, submitted with your letter, will doubtless receive the careful attention of the justices.

3. The importance and absolute necessity of making effectual provision for the daily scavenging of the town, independent of the large works now in progress for its more complete drainage and sewerage, is now thoroughly recognised and appreciated, and all that remains is that the justices should devise and carry out the best measures for accomplishing this object, and should take care that the obligations imposed by the law in this respect upon them and their officers, as well as upon the public, are duly and incessantly observed.

4. The establishment or construction of public privies and urinals is a subject which requires the immediate consideration of the justices. Mr. Wauchope, in paragraph 8 of his letter,* a copy of which is annexed, probably goes beyond the fact when he says, that at the present moment there is not a single (public) necessary in Calcutta, and not a single urinary except those built near Tank Square a few years ago; but it is certain that the number of these conveniences ought to be largely increased and placed under proper regulation. Unless this be done, the difficulty of preventing street nuisances by means of the police is insuperable.

* No. 377, dated the 2 April 1864.

5. His Honor would also suggest, for the consideration of the justices, whether it would not be practicable, and likely to be attended with advantage, to license the town scavengers, or mehters, and oblige them to submit to a tariff of charges beyond which they should not be allowed to demand remuneration from private persons for services performed. It would seem that some measure of this kind is necessary to protect the public, and especially the native public, from exorbitant demands on the part of those whom they are obliged to employ in order to comply with the requirements of the law.

6. Meanwhile, the works in contemplation and progress for supplying the town with water, and providing it with a proper system of drainage, should be undertaken and prosecuted with vigour.

7. It is very satisfactory to his Honor to learn that the justices have entirely suppressed the practice of throwing dead bodies into the river, and that they have provided for the cremation of the pauper dead at the expense of the municipality. The Lieutenant Governor will be glad to know, with reference to your letter, No. 596, dated 7th March last, the result of the deliberations of the special committee appointed by the justices to devise means for making the burning of human bodies where the ghâts now stand as unobjectionable as possible.

8. On the subject adverted to in paragraphs 14 to 17 of your letter, the Lieutenant Governor is perfectly satisfied by the assurance of the chairman that he has not sought to avoid the responsibility which devolves on him under Section 28 of the Act, and that the justices have not shown themselves desirous of unduly restricting the power it conveys. It must indeed be obvious to the justices that the success of the system of municipal government established by the Act, especially in so far as the conservancy of the town is concerned, depends mainly upon the promptness, energy, and decision with which its provisions are enforced; and that while they are in a position to review and maintain a general control over the proceedings of the Executive, and to assist the chairman as well by their counsel and advice as by undertaking such duties as may be assigned to them, they will best consult the interests of the town and of the public by giving the chairman the widest latitude of Executive administration to be exercised under that responsibility to the general body of justices for which the law provides.

9. His Honour agrees with the chairman that he and the vice-chairman should be vested with the powers of magistrate, and this will accordingly be done, but it is not desirable that they should ordinarily act as judicial officers to the prejudice of more pressing and legitimate duties.

10. The Lieutenant Governor also agrees with the chairman that the control of the police and the municipality ought to be vested in one and the same officer, and that the chairman should, when opportunity offers, be appointed also to be Commissioner of Police for the town of Calcutta, being assisted in the police department by an efficient deputy commissioner. The opinion which Mr. Wauchope now expresses on this point hardly consists with the evidence he gave before the select committee of the Bengal Council in 1862, where he stated that he had no difficulty in combining his duties as municipal commissioner with his duties as head of the police; that it was desirable that the head of the police should be a municipal commissioner; and that there should be but one commissioner, a "responsible autocrat," with a sufficient staff. It certainly never will be laid down that the removal of street nuisances is to be the first consideration with the police, and the protection of life and property the next; nor can it for a moment be admitted, as Mr. Wauchope supposes, that this result will certainly follow if the head of the municipality be also head of the police. It would not be desirable that the chairman, as commissioner of police, should occupy himself with the details of police administration, but rather that he should hold a position analogous to that of a magistrate under Act V. of 1861, and that the direct administration should be vested in a deputy commissioner under the general direction and control of the commissioner.

11. His Honour has no doubt that as long as the two offices continue separate the Commissioner of Police will continue to co-operate heartily with the justices in preventing breaches of the Conservancy Act; but it is evident that the system is faulty, and that so long as the police and the conservancy officers are not subject to the same head, effectual co-operation in all grades of the service is not to be looked for.

12. The Lieutenant Governor trusts that the powers vested in the magistrates by Act XXI. of 1864, and the arrangements whereby all conservancy cases are now brought in for hearing at the earliest date, may be found sufficient to obviate all complaints of delay in the disposal of such cases, and to ensure prompt punishment of all offences against the law.

EAST INDIA (CALCUTTA).

COPY of REPORT, PAPERS, and CORRESPONDENCE
relative to the SANITARY STATE of *Calcutta*.

(*Mr. Vansittart.*)

*Ordered, by The House of Commons, to be Printed,
22 February 1865.*

STEAM TRANSPORTS (ENGLAND AND INDIA).

RETURN to an Order of the Honourable The House of Commons,
dated 13 February 1865;—for,

COPY “of REPORTS and CORRESPONDENCE respecting the Establishment of a
Line of STEAM TRANSPORTS between *England* and *India*.”

Marine and Transport Department, }
India Office, }
24 March 1865. }

J. C. MASON,
Secretary.

(*Mr. Ayrton.*)

Ordered, by The House of Commons, to be Printed,
27 March 1865.

EXTRACT MILITARY LETTER from the Government of India to Her Majesty's Principal Secretary of State for India, dated 22 February 1860, No. 33.

Cons. 17 Feb.
1860. No. 292.

(No. 292.)

6. A vessel of 1,200 tons burthen constructed of iron would cost, ready for sea, 20 *l.* per ton, $1,200 \times 20 = 24,000$ *l.*, and the cost for establishments with provisions and all other expenses would be as follow :—

Say 12,500*l.* per annum to carry the troops to India and invalids back to England.

7. The cost of sending out 500 men to India and transmitting 216 invalids to England on hired transports, as per average of the last five years, is as follows :—

500 at 15 £.	-	-	-	-	-	-	-	£. 7,500
216 at 27 £.	-	-	-	-	-	-	-	5,832

TOTAL - - - £. 13,332

8. In calculating the expenses of a Government transport, I have made the most liberal estimate, and allowed for officers and crew being on full pay, &c. for the entire 12 months, so that my estimate will not be exceeded.

— No. 2. —

MILITARY LETTER from the Government of India to Her Majesty's Principal Secretary of State for India, No. 325; dated 22d November 1860.

1. WITH reference to paragraph 2 of our letter, No. 33, of the 22d February last, we have the honour herewith to transmit for the consideration of Her Majesty's Government a further correspondence, relative to the transport of troops to and from India.

2. We have no doubt that the advantages of the route by Suez, even apart from economy, would be great, but the question of using this route is a political one which Her Majesty's Government alone can dispose of.

3. It appears to us that no system of transport, such as Captain Rennie suggests, can be founded upon anything short of a permanent certainty of our being able to use the route; not only for occasional drafts of recruits or invalids, but for full regiments moving in course of relief.

4. We are quite against employing Government transport vessels on the long sea route. Such an undertaking would be sure to end in increased expense indirectly, if not directly, whatever its appearance on paper may be.

5. The only change which appears to us to be expedient is that of contracting with shipowners of good characters, Messrs. Green or Wigram, or any others, for the construction of vessels really suited to the Indian transport service, to be used under their management for the annual conveyance within certain specified months of a certain number of troops to and fro. This would secure well ventilated, well found, convenient troop ships, with a better chance of good commanders; and upon these points, as much as upon the provisioning, do the health and orderly condition of the soldiers and their families depend.

6. It will be quite easy when the European army in India comes into a normal condition, to make sure of regular annual employment for a few such ships both ways.

Enclosure to No. 2.

EXTRACT, Fort William, Military Proceedings for November 1860.

(No. 541.)

From Commander *J. Rennie*, c.B., Superintendent of Marine, to Major-General Sir *R. J. H. Birch*, K.C.B., Secretary to the Government of India, Military Department, No. 8,151; dated Fort William, the 6th August, 1860.

I HAVE the honour to request you will do me the favour to submit, for the consideration of his Excellency the Viceroy in Council, the accompanying memorandum in which I have made certain suggestions connected with the transport of troops to and from India.

MEMORANDUM.

(No. 542.)

As the European force that will in future be permanently retained in India greatly exceeds what has hitherto been considered necessary, it becomes a question for grave consideration, as to the best mode to be adopted for conveying from England to this country the men who are required annually to fill up casualties, so as to insure their landing in the most perfect state of efficiency, as also, for the transport from India to England, of invalids and time-expired soldiers, with comfort and convenience.

2. It appears to be generally admitted that a force of not less than 60,000 European troops of all branches of the service is required for the military occupation of this country, and as the casualties from mortality, expiration of servitude, and sickness, may be calculated to a great nicety, there can be no difficulty in arriving at a close approximation of the number for whom transport will be required either way.

3. From the best information obtainable, I am justified in estimating that the relief from England will amount to over 12,000 men yearly, and that the number who will have to be conveyed to England will amount to about 6,000.

4. From the incessant complaints that are received, it is apparent that the present system of transport service is defective, and that vessels which are unquestionably A 1 for the transport of merchandise, are not constructed on a plan suited to secure for the soldier or invalid either the comfort or convenience that can be obtained from vessels specially arranged for this service.

5. Experience has also proved that even in the article of food great risk is incurred by trusting to the Indian market, which has been found unable to meet sudden calls for supplies, if of considerable amount, and the consequence has resulted in men having been sent on a long sea voyage on a scale of diet almost certain to produce scorbutic disorders, and has, moreover, enhanced the cost of transport to a most exorbitant rate.

6. In 1859-60 the charge for conveying to England men in health fluctuated from Rs. 164 to Rs. 420 per head, and for invalids, from Rs. 194 to Rs. 450, and even at these extreme rates difficulty has been felt in securing an eligible vessel.

7. It appears to me that the transport of troops ought no longer to be entrusted to private ships, but should be performed on Government vessels especially fitted and arranged for this most important service.

8. I have in a previous communication, under date the 31st December 1859, suggested that a class of sailing transports should be constructed for Government, and be fitted for the conveyance of troops *viâ* the Cape.

9. My object in recommending sailing vessels instead of screw steamers, was on the score of economy, for as it is undesirable that troops should arrive in India before November, or after March, and as it would be impossible for a screw transport to perform two voyages round the Cape within these limits, I was of opinion sailing vessels would be preferable.

10. But a question arises, is it necessary or desirable to adhere to the route *viâ* the Cape, either for recruits, reliefs, or invalids?

11. Generally speaking, I am of opinion that the long sea voyage is not preferable to the overland route, and consider it should only be adopted for invalids suffering from great debility, and that unless there are insuperable political objections to the Red Sea route, that all troops should be transmitted *viâ* Egypt.

12. In my judgment, it would be of great political importance to establish a route permanently for the transit of troops to and from England, for the very circumstance of the constant passing of English soldiers, combined with the amount of money that will necessarily be expended in the country on this account, would give us a preponderating influence over other powers.

13. As a question of expense, the Egyptian route will be cheaper than the other, and it certainly will be a popular one both with men and officers, for instead of the long dreary confinement of a four months' voyage, the passage to India will be converted into a pleasant yachting trip of from 28 to 35 days, according as the men are landed at Bombay or Calcutta; and as soon as the system of railway is completed in India, I presume Bombay and Kurrachee will be the ports at which all troops will disembark.

14. The enormous, I may say incalculable, moral influences that would result from the fact that by the aid of the electric telegraph, and with a fleet of screw transports, men on an emergency can be conveyed from Chatham to Delhi in less than a month, is so apparent as to be unnecessary for me to dilate upon.

15. Until the subject as to whether the Indian army is to be imperial or local, and its numerical force is determined, it is impossible to form a correct estimate of the amount of

tonnage that will be required for the conveyance of troops to and from India, and my calculations are based on the assumption that the army will be made Imperial, and that it will consist of 60,000 men of all ranks, whose period of service in India will be limited to 12 years.

16. Admitting that my assumptions are nearly correct as to number and time of service, and that the casualties from all causes are 10 per cent., which, I am given to understand is a close approximation, it will be apparent that there are required from England yearly—

Recruits	-	-	-	-	-	-	-	6,000
Reliefs, 5 regiments	-	-	-	-	-	-	-	5,000
Men	-	-	-	-	-	-	-	11,000
Women, 5 per cent.	-	-	-	-	-	-	-	550
Children, 10 per cent., adults	-	-	-	-	-	-	-	550
Grand Total	-	-	-	-	-	-	-	12,100

And from India the number to convey Home may be estimated at—

Invalids, 3 per cent.	-	-	-	-	-	-	-	1,800
Time expired, 2 per cent.	-	-	-	-	-	-	-	1,200
Five regiments relieved	-	-	-	-	-	-	-	2,250
Women, 5 per cent.	-	-	-	-	-	-	-	262
Children, 10 per cent., adults	-	-	-	-	-	-	-	262
Grand Total	-	-	-	-	-	-	-	5,774

17. From the office records of the last four years, it has been ascertained that the cost of transport for troops from England to Calcutta averaged 11-14 *l.*, or 117 rupees per head, and for men in health from Calcutta to England, the expense of transmission has averaged 208 rupees per adult, whilst for women and invalids it has averaged 235 rupees per head.

18. Adopting this average as a basis for our calculations, the result will be as follows :—

12,100 adults from England, at *Rs.* 117 each, is = *Rs.* 14,15,700.

2,324 invalids, women and children, from India to England, at *Rs.* 235 each, is = *Rs.* 5,46,140.

3,450 adults, time-expired and relieved regiments, at *Rs.* 208 each, is = *Rs.* 7,17,600, to which is to be added the sum paid for officers, who may be reckoned to amount to 3 per cent. of the men, at an average of 100 *l.* each, or say from Home 330 at *Rs.* 1,000 each = *Rs.* 3,30,000, and from India there will be 165 at *Rs.* 1,000 each = *Rs.* 1,65,000. In addition to the above is the cost of medical comforts, which are provided by the State at an average of *Rs.* 37½ per head for those from India, that is, 5,774 × 37½ = *Rs.* 2,16,415, and for the men from England, at an average of 10 rupees per head, the amount from this head will be 12,100 × 10 = *Rs.* 1,21,000, so that the grand total of the expenses for transport of the force that will be required to meet the casualties in the army of India, if transmitted by the Cape route, on vessels the property of private individuals, will amount to *Rs.* 35,11,857, or say, in even numbers, 350,000 *l.* per annum, which represents 5 per cent. on a capital of seven millions.

19. Admitting the propriety of limiting the period of arrival of troops from England in India to the cold weather months, say from middle of October to beginning of April, it will be requisite to provide a sufficient number of large screw steamers to meet this necessity. These vessels would be able to make three complete trips from Calcutta to Suez, and back, during this time; and when Bombay is made the port of arrival and departure, the vessels will perform four voyages each.

20. The class of vessel which I would suggest as most suitable would be of a size capable of accommodating 750 men, so that each vessel would, during the fine season, convey to Calcutta from Suez 2,250 adults, or to Bombay 3,000.

21. It has been shown in paragraph 16 that there will be 12,100 adults to convey to India yearly, and 5,774 to return home. It is therefore obvious that five vessels will be ample for the service on either side of the Isthmus of Suez; but it would be advisable to have a spare vessel in case of accident, and to meet extraordinary occasion, so that it will be requisite to construct 12 vessels of the size indicated.

22. The dimension of a large screw steam vessel, capable to accommodate 750 besides the crew, will be of say 300 feet in length by 40 feet beam and 28 feet depth of hold, and to obtain the speed that is desirable would require engines of 400 horse-power, nominal.

23. A vessel of this class will have a tonnage of about 2,500 tons gross, and could be constructed and fitted out ready for sea for 55,000 *l.*; twelve of such vessels will consequently cost 660,000 *l.*

24. The

24. The expenses of such a vessel per month will be—

	£.
For establishment, including provisions - - - -	800
For coal, counting at 30 tons per diem, steaming 9 knots, 25 days $\times$ 30 = 750 $\times$ 1 l. 4 s., the price of Calcutta coal with charges - - - -	900
Engine-room stores and stores for the vessel of all kinds will amount to, say - - - -	400
Total - - - - £.	2,100

25. Under no circumstances will the vessels be employed on this service for more than eight months, viz., from September to April, therefore $2,100 \text{ l.} \times 8 = 16,800 \text{ l.}$ will be the utmost expense of any one vessel whilst engaged in this duty between Calcutta and Suez, and this sum multiplied by 5, the number of vessels employed on this side of Suez, will amount to 84,000 l.

26. Owing to coal and other stores being procurable in England at a lower rate than they can be obtained here, the vessels on the Mediterranean side will be worked to a cheaper rate than can be done in this country, and the time occupied for a voyage to Alexandria will be considerably less than for a trip from Calcutta to Suez, and will not exceed 15 days; the expenses may therefore be estimated as follows:—

	£.
Establishment, all Europeans, with provisions per mensem - - - -	600
Coal, 30 tons, at 12 s. = 18 l. $\times$ 15 - - - -	270
Other stores - - - -	300
Per mensem - - - - £.	1,070

$1,100 \text{ l.} \times 8 = 8,800 \text{ l.} \times 5$ will amount to 44,000 l. for the total expenses of the vessels on the Mediterranean side of Suez, whilst engaged on the service indicated.

27. To the above has to be added the charge for victualling for the voyage and transit expense across the desert.

28. All provisions would be supplied from England, and doubtless the men could be provisioned for 1 s. per diem per adult, whilst for women and children the cost would be in excess, or say 1 s. 6 d. per adult.

29. It has been shown that there will in all be 15,550 men in health to convey, whose provisioning for 35 days at 1 s. per head will amount to 27,212 l. 10 s., and for 2,324 invalids, women and children, at 1 s. 6 d. per adult, it will amount to 6,150 l., whilst the cost of transit may be taken at 2 l. per head, or say 35,748 l.

30. From the foregoing it will be seen that the whole expenses of the reliefs to and from England by the Suez route will aggregate, viz. :—

	£.	s.	d.
On the Indian side, for vessels' expense - - -	84,000	-	-
On the Alexandria side, for vessels' expense - - -	44,000	-	-
For provision for men in health - - -	27,212	10	-
For provision for invalids, &c. - - -	6,150	-	-
For transit - - -	35,748	-	-
	197,110	10	-
495 officers, at 16 s. per diem, for 35 days - -	13,850	-	-
And medical comforts, 17,784 adults at say 1 l. per head - - -	17,784	-	-
Grand Total - - - £.	228,744	10	-
The Cape route has been shown to cost - - -	350,000	-	-
Balance in favour of the Suez route - £.	121,255	10	-

13. It may be advanced that there is no allowance made for the repairs of the vessels and depreciation of stock, wear and tear of machinery, &c.; but as a set off against this it must be observed, that the vessels are only employed eight months on the service, and during the remaining four months they will be available for transport duty, and the amount saved to Government whilst so engaged will counterbalance the cost of repairs, &c., and a set off of 10 per cent. on the block will cover all loss by depreciation. 10 per cent. on 660,000 l. will amount to 66,000 l. per annum, which, added to the grand total of working expenses, shows that the entire expenditure amounts to 294,744 l. 10 s., leaving a balance

of 55,355 L. 10 s. per annum in favour of the Suez line, or more than 9 per cent. profit on the capital.

32. In my calculation for cost of vessels and expenditure a maximum rate has been allowed, and when Bombay becomes the port of arrival and departure, which it will probably be before this scheme can be matured, the expense of the route *viâ* Suez will be very materially reduced, as the voyage will be completed in 15 days instead of 25, and it will be observed that the cost of fuel is the chief item in the expenditure.

33. Finally, it may be a question well worthy of consideration as to whether the mails for all India might not be conveyed by these transports to Bombay. The speed of the vessels will equal that of the present mail steamers if the expenditure of coal be raised from 30 to 50 tons per diem, which would be fully compensated by the subsidy the vessels would receive or the saving effected to Government, and by the adoption of the scheme it would form a nucleus of an Imperial steam transport service, the necessity for which is daily becoming more emergent.

Fort William,
Marine Superintendent's Office,
6 August 1860.

(signed) J. Rennie,
Superintendent of Marine.

— No. 3. —

MILITARY LETTER from the Government of Bombay to Her Majesty's Principal Secretary of State for India, dated 11th December 1862, No. 104.

WE have the honour to transmit copy of a Minute by his Excellency the Commander in Chief, dated the 7th instant, recommending the overland route for the transport of troops between England and India.

2. We beg strongly to express our concurrence in his Excellency's reasoning, and our conviction that such a plan as his Excellency recommends will be found to be financially a great saving, and in all other respects a great improvement on the present system of transport, *viâ* the Cape.

3. Appended to his Excellency's Minute is an offer from the Calcutta and Burma Steam Navigation Company to undertake this service.

4. We would suggest that in the event of the calculations submitted proving substantially correct, when tested by the data which are accessible to Her Majesty's Government in England, a provisional engagement might be entered into with the Burma Company to conduct the relief of all troops which are now in Madras, Bombay, and the Punjaub, and which can be now managed through Bombay. If the result were satisfactory, an engagement might be entered into for a term of years for the transport of reliefs for all European troops in India.

5. The term of the experimental agreement would probably be about the same as would be required to complete the present system of railways.

Enclosure to No. 3.

(Confidential.)

MINUTE by His Excellency Lieutenant General Sir W. R. Mansfield, K.C.B.,
Commander in Chief, Bombay Presidency.

Steam Transport for Her Majesty's Troops between England and India.

WE have been for some time aware that our French allies have used the railway through Egypt as a high road for the relief of their troops in their eastern establishments. It is understood that the French-Chinese expedition under Monsieur de Montauban proceeded for the most part by this route. Since that event a system of military transports on both sides of the Isthmus of Suez, enables the French to carry out their military reliefs in a few weeks, which, by the old voyage round the Cape, would occupy as many months, as is actually the case with us.

I am informed that two or three large military steam transports may be constantly seen occupied with this service at Alexandria and Suez respectively. On the occasion of my recent visit to Aden, I saw a magnificent vessel of this class, full, as I was told, of French military

military invalids, and the authorities of Aden said that there was hardly a week in which a French transport did not touch at that port on its way between Suez and the several French stations. It will be recollected that these stations now include Reunion, Saigon, and Shanghai, and, probably, Madagascar.

It can hardly be doubted that this demonstration of the French army, constantly flowing to and fro through Egypt, cannot but afford a considerable influence to the French nation in the eyes of the Egyptian authorities and population. It seems unfortunate that the results of such peaceful demonstration of troops in an important sphere of action and politics, should not be shared by ourselves. We are told, and apparently on the best authority, that in consequence of the great French industrial development in Egypt, the balance between the two nations has already suffered. I cannot conceive that it should be otherwise when the effect of the military demonstration which has been described, is added to that produced by the commercial expansion and the vast public works in Egypt, at the head of which stand French projectors, supported by the active diplomacy of the Imperial Government. It is remarkable that the experiment tried with signal success by Her Majesty's Government during the rebellion of 1857, of sending out regiments to India by the overland route, should have been discontinued since our troubles ceased. That experiment was inaugurated with much diffidence, the first British soldiers who traversed Egypt having been ordered to conceal their uniform for fear of ruffling any foreign susceptibility. Afterwards we grew bolder, and it was found, I believe, that no power, either Egyptian or European, objected to it. The French, so far from being foolishly jealous or susceptible, took advantage of our example, but with this great improvement as above shown, viz., of converting a temporary war innovation, such as we proposed to ourselves, into the permanent institution now in full operation with them.

If the French, with their comparatively small European establishments in the east, find the overland system economical, advantageous, and politically wise, we may form some measure in our minds of the benefit we should gain for ourselves, by following a like course, if we consider our immense military and other organisation east of the Cape of Good Hope.

Having shown the political bearing of the question, I am happy to be able to say that it is in my power to prove by figures, that an absolute money economy would result from adopting an overland route for the troops going to and from India, besides adding largely to our military strength in that country.

To carry out the system of regimental reliefs as desired by the War Department, Her Majesty's Government will have henceforth to send yearly to India five regiments of infantry and one of cavalry, the equivalent returning home on being relieved. The regiments going to India must be taken at their full strength, viz., for infantry about 950 of all ranks including officers, and of cavalry about 630 of all ranks including officers.

The average strength of regiments returning to England may probably be taken at 450 all round.

Thus, the strength going to India in regimental reliefs will be about 5,380, and of the regiments returning to England, about 2,700.

We have now to consider that to keep up the strength of regiments in India, the drafts of recruits annually sent out amount to about 8 per cent. of the strength maintained in the country. If that be taken now at 73,000, we find that the yearly drafts are about 5,840 men. Therefore, the number of officers, non-commissioned officers, and men coming yearly to India are not less than—

5,380
5,840
11,220

To this must be added 10 per cent. on account of women. Consequently the number of 12,000* adults, is the minimum for whom Government has to provide passages yearly to India, to maintain the army at its present strength, as lately fixed under the orders of the Right Honourable the Secretary of State for India.

I have not got exact data on which to found a calculation as to the number of invalids and time-expired men proceeding home yearly from their regiments at the cost of Government. But it certainly cannot be less than 5† per cent. on strength, I should be inclined rather to estimate it at 7 per cent. To be quite certain of remaining within bounds I adhere to the former figure.

Five per cent. on 73,000 equals	-	-	-	-	-	3,650
To this add, on account of regiments going home	-	-	-	-	-	2,700
TOTAL						6,350

Again,

* Note.—I have not adverted to the Artillery reliefs, as it is unlikely that any will be wanted for some time to come, at all events, not just now. But two or three years hence the system of reliefs on account of Artillery will come into play as now in operation for the Cavalry and Infantry of the Army. This will then add about 1,200 to the total minimum stated in the text as coming out to India.

† Note.—During this season, in the Presidency of Bombay, the number is about 5‡ per cent.

Again, add 10 per cent on account of women. We thus have a minimum of 7,000 adults, who claim and yearly obtain a passage from Government, from India to England. If the reliefs for Ceylon and China be thrown in, a few hundreds will have to be added on both accounts.

I am informed that the average passage of a private soldier from London to Bombay or Calcutta is 19 £., and that the passage back from India to England is 25 £. Considering that troops are four months at sea in the passage round the Cape, it is evident that the pay drawn by them, whether they be drafts coming to India, or invalids returning from India, is a loss to the State, during such time as they are at sea. Thus the soldier coming to India receives pay whilst he does no duty for four months, and for such a period is not available for the defence of the country, while, on the other hand, the invalid going home receives pay for the long interval before he is finally discharged. If, therefore, we can reduce the passage in both instances from four months to one, it is clear that the State saves three months pay on each soldier. In the case of the invalids returning to England, it is merely a money economy so far as the State is concerned, but it would be a great benefit to men about to be discharged, to be liberated quicker than has hitherto been the case, for the purpose of entering on their new civil career. The gain made by Government in the opposite case, viz., of fresh regiments and recruits coming to India, that is, of saving their services for no less a period than three whole months, the number of men engaged being not less than 11,000, can hardly be measured by figures, it being so immensely important for the best interests of the army and the defence of the country to which that army is sent. Still, as a minimum of that advantage, it may be reckoned by the daily pay of the three months saved in transit.

How then does the account stand?—

	£.	s.	d.
Passage to India - - - - -	19	-	-
Average rate of pay for each man which might be saved, taken at 1s. 6d. per diem for all ranks, non-commissioned officers and privates - - - - -	6	15	-
	£. 25	15	-
Passage from India - - - - -	25	-	-
Average rate of pay for each man which might be saved, taken at 1s. 6d. per diem for all ranks, non-commissioned officers and privates - - - - -	6	15	-
	£. 31	15	-

Being much impressed with these facts, I was not surprised to find that they had attracted the attention of others besides myself; when on my passage from Aden I met Mr. Mackinnon, the Director of the Calcutta and Burmah Steam Navigation Company, who communicated to me his observations of the French proceedings in Egypt, of witnessing which he had had more than one opportunity. In the course of two or three most interesting conversations with this gentleman, the new system of coast navigation for India, at the head of which he stands, was thoroughly discussed and explained, not only as regards commercial development, but also with respect to military questions connected with it, to which the late Lord Canning more than once referred when discussing the defence of the Indian and Persian coasts. As the discussion proceeded, our attention was naturally attracted to the facts stated in the early part of this paper, and as to the manner in which a military economy could be practised, while the political advantage now secured by the French might be rateably shared by us, according to the nature of the establishments we are obliged to maintain in the Indian Empire.

Note.—Government rates for officers proceeding round the Cape:

Field Officers - - - Rs. 1,500
 Captain, Paymaster, and Surgeon - - - 1,250
 Subaltern, Assistant Surgeon and Quartermaster 1,100
 Mr. Mackinnon's proposal, with regard to officers, whether in charge of troops or otherwise:
 Bombay to Suez - - - £. 40
 Ditto to England - - - 60
 15 £. extra for Calcutta, and 5 £. extra for Madras passengers, including mess, but without wines, and exclusive of transit through Egypt.

After some thought, and hearing my rough data as to numbers, Mr. Mackinnon said that he would engage to carry the troops to and from India at a rate which should actually ensure an economy on present outlay. He proposes to charge for the non-commissioned officers, privates and adult women, at the rate of 25 £. a head for the sea voyage from India to Suez, and again from Alexandria to London. For this he would victual the troops according to Her Majesty's regulations, would secure ample room, and would provide first class steamers, the rate of speed at sea being not less than eight miles an hour. The transit through Egypt, viz., about 1 £. 10 s. a head, would have to be paid in addition by Government, thus making the entire charge for every non-commissioned officer, private, and adult woman, about 26 £. 10 s. for each passage, viz., home and outwards. The passage money of officers would, at Mr. Mackinnon's rates, be a considerable economy on the sums now allowed by Government on such account to shippers of troops proceeding round the Cape.

I have the pleasure to annex a letter to my address from Mr. Mackinnon which I asked him to be good enough to write to me, in order that his offer might be on record in official form.

It is seen in that letter that Mr. Mackinnon is prepared either to undertake the whole service as soon as the necessary arrangements could be made, or a part of it, as might appear

appear most expedient to Her Majesty's Government, or he would make an experiment at a very early date with the invalids of the season which have to be sent home next year. In short, he is prepared to do what is liberal to advance that which bears the appearance of being a great reform.

I would remark, that if the idea should be entertained by Her Majesty's Government eight (8) months of the year will be taken up in the service. Steam transports with their military freights would leave the Indian and the English ports every fortnight from October of one year to May of the next, and would exchange their lots of military passengers exactly in the manner pursued by civil passengers in the Peninsular and Oriental Steam Navigation Company's vessels. The troops would not be landed in Egypt, except for the purpose of proceeding by rail to the vessels held ready for their reception at each end of the isthmus. Thus, no Egyptian* arrangements would be requisite for housing or feeding the troops, who would be through passengers by the railway, and would carry one day's provisions with them on leaving their ships. It is not believed that the presence of military officers would be required in Egypt. It would only be necessary for commanding officers to communicate with the agents of the Steam Navigation Company, who would undertake all the preliminary arrangements of the railway transit, merely charging the actual railway fare for the same.

* The time occupied in transit by through train is twelve (12) hours.

It is thus evident that, should the idea suggested in this paper be adopted by Her Majesty's Government, we shall come to treat the troops going to and from India precisely like large bodies of ordinary passengers. Instead of being shipped off all in one or two particular months of the year, the present intention of the military authorities at home and in India, to which however in practice we find it difficult to adhere, the troops would leave India and England respectively every fortnight during eight (8) months of the year, that is, about fifteen hundred (1,500) leaving England monthly, and about eight hundred (800) quitting the shores of India. It seems to me that but little difficulty could arise in the departments of the several quartermaster generals at home and in India, in organising the necessary combination. In England, with the facilities of rail and steam, there certainly could be none, and I do not think that any should be allowed to exist in India. Our railways are now so far extended as to give great assistance for the movement of troops in the three Presidencies. Thus, the Presidency of Madras is traversed from sea to sea by one railway. In the Presidency of Bombay we have about 800 miles of railway opened, and the two principal lines are approaching completion. The East Indian Railway in Bengal and the North West Provinces is in a like state of forwardness. Besides the railways, the system of steamers on the Ganges and the Indus affords ample facility and certainty for the movement of troops. I have, therefore, a conviction that without disregarding the facts of the Indian seasons we are now in a fair position in India to forward the troops to and fro by detachments, in combination with the steam transport system which has been suggested. The depôts would not be more encumbered at any time of the year than they are now, perhaps not so much so. The invalids and time-expired men of the regiments nearest the coasts and residing in the Presidencies of Madras and Bombay, would use the steamers leaving in October and November, whereas the men coming from the interior of the country and very distant stations, would move in the months set apart for them now. The relieved regiments about to go to England are, as a rule, always brought near the coast in anticipation of such an event. This is the case in all three Presidencies; consequently their transport to England could be made to fit into the general combination without any difficulty whatever.

It may be well perhaps to mention in support of my assertion, that no practical difficulty can arise in these arrangements, that the regiments relieved in the Punjab, the invalids and time-expired men from the same quarter, and I believe, from the majority of the stations west of the Jumna, proceed to England *via* Kurrachee, whereas the same classes from many stations of the Madras Presidency come to Bombay.

On the completion of the Great Indian Peninsular Railway as far as Jubbulpoor, which is to be expected in the course of the next two years, all British reliefs for Central India will infallibly be conducted through Bombay and that line of railway. Consequently, with the exception of the troops in Calcutta and Burmah, it may be confidently expected within about two years from this date, that every soldier going between England and India will pass through Bombay or Kurrachee. This result will simply be determined by the completion of the communications which are now so far advanced, a large approximation having been already made towards it, as shown by the fact that all arrangements for the Punjab and Madras reliefs going and coming from England, are now devolved on the Bombay staff.

It now remains to advert to another point, in support of the argument which has been stated. The great medical difficulty in the treatment of English soldiers in India, has hitherto been our inability to afford change of air to invalids before their constitutions are utterly worn out. It is impossible to doubt that were such a facility afforded to medical officers, of sending home soldiers for change of air, according to the plan adopted individually by officers for themselves, a great many lives would be saved, and many valuable soldiers would remain effective, who now linger on in the hospitals to die, or to be ultimately discharged as incurable invalids. If, however, we should have a system of steam transports proceeding fortnightly for the conveyance of troops at moderate rates, we should be able to supply the very want which is so deplored by every Indian doctor. The whole difficulty of providing sanatoria in India, for Her Majesty's troops, is at once turned, and the men shaken by fever or dysentery would go to their depôt in England to recover health, and return with the drafts in the following year. Thus, the instructed

soldier would return instead of a raw recruit. The fact of the constant change and movement between India and England for men not in strong health, would be excellent for the whole body of the army, and add, I believe, largely to its vigour and consequent efficiency. Those who have commanded British regiments in India, know but too well what a large percentage a commanding officer has to deduct from the strength, as shown in the returns, when he reckons the numbers he will be able to take on active service of the men borne on the rolls. I believe by freely adopting the idea suggested, that percentage would be almost reduced to nil.

I would further remark, that the yearly system of relief now in operation, causes regiments to be far below their numerical strength, actually on the spot for many months in the year, that is to say, during the interval of the passage of the recruits from England, and from the date of the departure of the invalids and time-expired men from the head quarters of their regiments on their return home. This, again, would be in great measure obviated by the steam transport monthly system, as small drafts would be constantly coming to the regiments according to their wants. It might be reasonably hoped that the numerical strength on the spot would, as a general rule, be but little inferior to that shown in the returns. If this be the case, and there can be no doubt of it, Her Majesty's army in India gains a direct reinforcement for so many months in the year. It is not, therefore, difficult to see a new element of economy, besides those which have been already shown, and that owing to more perfect arrangements in replacing invalids and time-expired men, by the drafts of recruits, it might be possible and indeed very probable hereafter, when the system should have been fairly tested, to save two (2) or three (3) regiments from the India establishment.

In conclusion, I would observe that Mr. Mackinnon has asked that his communication may be considered a confidential one, and not to be made known to the public for the present.

7 December 1862.

W. R. Mansfield.

To his Excellency Lieutenant General Sir William Mansfield, K.C.B., Commander-in-Chief, &c. &c. &c., Bombay.

Sir,

Bombay, 3 December 1862.

REFERRING to the various conversations I have had with you regarding the transport of troops to and from India, by the overland route, instead of, as at present, *via* the Cape of Good Hope, I have the honour to submit to your Excellency the following proposals:—

1. That on condition of Her Majesty's Government agreeing to pay the sum of 25 £. per head, including cost of victualling on the Government regulated scale, each way, for soldiers, including reliefs, time-expired, and invalids; and for women and children proportionately, but exclusive of transit through Egypt, which would, however, be undertaken and charged for at the exact cost; and on condition, further, that Her Majesty's Government agree to guarantee an aggregate annual number of such passengers of not less 20,000, I am prepared to undertake on behalf of the Company I represent, to organise a fortnightly service, to convey that, or a larger number, between England and India, but during the four monsoon months the service to be once a month only.

2. Screw steamers, specially adapted for the work, of from 1,350 to 1,750 tons gross register, and capable of maintaining an average speed in ordinary weather of eight knots an hour, to be employed in carrying on the service.

3. Government to dispatch, as nearly as possible, an average number by each opportunity.

4. The service to be arranged for a period of seven years certain, with twelve months notice thereafter.

5. Officers, whether in charge of troops or otherwise, to be conveyed to and from Bombay and Suez for the sum of 40 £., or to England for 60 £., including mess, but without wines or other liquors, and exclusive of transit through and expenses in Egypt: 15 £. extra for Calcutta, and 5 £. extra for Madras passengers. The wives and families of officers to be conveyed on the same terms.

6. (Passengers) Troops for the Punjab to be conveyed to and from Kurrachee, by the coasting steamers now carrying the mails, and those for Madras and Calcutta, in like manner, *via* Beyport, and the Coromandel Coast; Government paying railway fares, landing and embarking charges, and otherwise providing for the men while on shore. Or, the service might be carried on alternately to and from Bombay, and to and from Beyport.

7. If desired, the service might be extended to Ceylon, the Straits, and China (Hong Kong) by smaller steamers from Ceylon, once a month, Beyport being the final port of departure from, and first port of arrival in, India monthly during eight months of the year. This route might connect with Madras and Calcutta by steamers to and from Galle. Calcutta and Burma would also connect at Singapore, with the steamer to and from China, by the steamers now running from Calcutta and Rangoon to Penang, Malacca, and Singapore.

8. As an extension to China would greatly increase the expense, Government would probably not object to grant a moderate postal subsidy, and the service could be made to alternate with the existing postal lines.

9. Should it be considered desirable to test the scheme, on a smaller scale, a monthly line to and from Bombay only, could be organised on similar terms, with a guarantee of 10,000 passengers instead of 20,000.

10. It could be tested on a still smaller scale during next season, by employing a vessel of 1,000 tons gross register now available in India, with one of a similar size for the Mediterranean, if Government would guarantee 500 troops each way for four or five voyages.

Trusting you may deem these proposals worthy of consideration,

I have, &c.
(signed) *W. Mackinnon.*

MINUTE by His Excellency the Governor, dated 8 December 1862.

OUR best thanks are due to his Excellency the Commander in Chief for this most valuable paper. I have not the means at hand of precisely testing the calculation as to the exact cost of each soldier by the present route, but I am satisfied there will be a considerable direct saving, while there are indirect advantages in the plan proposed which are of great value.

If my honourable colleagues concur, the papers should be sent by next mail to the Secretary of State and the Governor General in Council, with our strong recommendation that an experimental agreement should be made with the company which Mr. McKinnon represents, with a provision that if the result be satisfactory, an arrangement for a term of years be concluded with them.

H. B. E. Frere.

MINUTE by the Honourable *W. E. Frere*, dated 10 December 1862.

I ENTIRELY CONCUR.

W. E. Frere.

MINUTE by the Honourable *J. D. Inverarity*, dated 10 December 1862.

I QUITE concur, and would only observe that probably a convention with the Ruler of Egypt will be necessary before our troops, &c. can cross from Alexandria to Suez, and vice versa.

J. D. Inverarity.

— No. 4 —

MILITARY LETTER from the Government of India to Her Majesty's Principal Secretary of State for India, dated 19 February 1863, No. 79.

THE Government of Bombay having furnished us with a copy of their letter to your address, No. 104, of the 11th December 1862, and of its enclosures, regarding the use of the overland route for the transport of troops between England and India, we beg to express our entire concurrence as to the advantages of the measure proposed, and to observe that an opinion favourable to the Red Sea route was also conveyed to you in our separate letter, No. 325, of the 22d November 1860.

2. The political difficulty in regard to the measure which was alluded to in that letter can hardly now exist, as the route is freely used by the French troops, and we have little doubt that in a military and political point of view, and probably in a financial point of view also, it would be very desirable to establish a regular system of transport by the overland route.

3. By this mode of transport the services of the men would only be lost for six weeks or less, instead of for a period from three to four months; while they would have a short and interesting passage, which with the frequent touching at ports and the facilities of obtaining fresh provisions, would so materially conduce to their landing in good health.

4. It would be desirable, to avoid any risk of collision, that the men should land at Alexandria, and proceed right through to Suez, without passing a night on shore unless in the train, and it also seems desirable that troops intended for Bengal should not land at Beypore and come *via* Madras, as the disembarking and embarking again, and the transit across the peninsula, would probably lead to inconvenience and delays.

5. Eventually, when the lines of railway are completed, all troops for Bengal might be landed at Bombay and sent to their destination by rail, to any of the stations between Agra and Calcutta; but however much railways may be opened, we consider that fresh troops should never be sent out so as to arrive in India earlier than October or later than February.

— No. 5. —

Lieutenant General Sir *Edward Lugard*, K.C.B., Under Secretary of State for War, to the Under Secretary of State for India.

Sir,

War Office, 31 March 1863.

I AM directed by the Secretary of State for War to inform you that on the representation of His Royal Highness the Field Marshal Commanding in Chief, that it would be very desirable to make arrangements for carrying out the Indian Reliefs by means of the overland route, he requested the Admiralty to prepare a report showing the financial bearings of the question.

That report I have now the honour to enclose for your information, with the calculations of the proportionate cost of the long-sea and overland route.

Sir George Lewis is satisfied that a considerable annual saving would be effected by the adoption of the latter route; and looking also to other important results which may fairly be expected to follow from that course, I have by his direction to request the concurrence of the Secretary of State for India in the proposed change.

I am further desired to request that for the purpose of securing entire uniformity in all the arrangements connected with the transport of troops, you will suggest to Sir Charles Wood whether it would not be desirable to take this opportunity of placing in the hands of the Transport Board of the Admiralty the responsibility of providing for the conveyance of Indian reliefs.

I have, &c.

(signed) *Edward Lugard*.

P. S. An extract from a further letter from the Quarter Master General, of 18th March, requesting that the Indian reliefs for the present year may be sent out by the overland route, is enclosed.

It is requested that the enclosures may be returned.

Extract.—"The time is fast approaching for the relief of regiments in India, which, if carried out entirely by long-sea, will, with other foreign reliefs, considerably reduce the force at home for some time, which His Royal Highness considers it very desirable to avoid."

(signed) *Richard Airey*,
Quarter Master General.

Enclosures to No. 5.

Sir,

Transport Department, 6 February 1863.

I TRANSMIT, in compliance with their Lordships' directions, a Report and Estimate of the probable annual expense of conveying between England and India the following numbers of troops:—

England and Calcutta	-	-	-	3,500	-	-	-	2,000
Ditto - Madras	-	-	-	1,500	-	-	-	1,000
Ditto - Kurrachee	-	-	-	1,500	-	-	-	1,000
Ditto - Bombay	-	-	-	2,500	-	-	-	2,000
TOTAL	-	-	-	9,000	-	-	-	6,000

with officers, women and children.

A programme of the service to be performed (*vide* Appendix H.), has been concurred in by the Director General of the Army Medical Department, as fulfilling the requisite conditions for the health of the troops in regard to the periods of arrival at and departure from the several Presidencies, and for the navigation of the Red Sea.

To carry out this programme the services of three steam troop ships, each capable of conveying 900 men with officers, women and children, will be required for a limited period of each year, to convey troops between this country and Alexandria. The working expenses of these ships have been calculated from the first sailing of each ship from England to her final return to Portsmouth at the conclusion of the service.

Five other steam troop ships of similar capacity will be required for the service between Suez and India, that being the smallest number with which it is possible to perform the service, and their movements have been so arranged that one at least shall be always available at Suez as a reserve ship, in the event of any casualty occurring to either of the others. The whole of these five ships would remain continuously on the other side of the Isthmus of Suez, as it would entail an increased and unnecessary expense to send them to England between the intervals of their employment, and as there would not be time for some of them to return to Suez before being again required; but in order to avoid needless expense, and to afford a means of relieving their crews periodically, it is proposed that two of them should be laid up at Suez, or elsewhere, at the conclusion of their annual service, and their officers and crews be sent to England, where the latter may be discharged, and fresh crews, with either the same or other officers, sent out again in time to recommence the service in the following season. This affords an interval of about four months for the men to be in England, and the estimate has been framed in accordance with such arrangement.

The remaining three ships may rendezvous at Trincomalee during the period when they are not required for the India reliefs, and be available for the conveyance of troops to or from China, &c.

It would probably be necessary to build or purchase these five ships for the service between Suez and India, and they would require to be of about 2,800 tons burthen and 600 horse-power each, with a poop; their cost would amount to 530,000*l.* It would also be requisite to obtain two small steam tugs, and twelve boats or pontoons for landing and embarking troops at Alexandria and Suez respectively, which are computed to cost about 5,800 *l.*

To provide these steamers, tugs and boats, an outlay of about 535,800 *l.* would be requisite in the first instance, as shown in Statement (A.) In addition to this outlay a further expense would be incurred at the commencement of the working of the system for their navigation or conveyance to their stations, amounting as per Statement (B.) to 56,313 *l.* The means and cost of instituting the service having been thus provided for, an Estimate (C.) has been prepared of the expense that would be incurred annually for the conveyance of the troops, amounting in all to 308,600 *l.*, being at the rate of 16*l.* 17*s.* 10*d.* per adult; for the aggregate number of officers, men, women, and children, to be moved annually between England and India, or 16,393 *l.* per 1,000 adults.

In order to institute a comparison between the expense of effecting the relief between England and India *viâ* the Isthmus of Suez in the manner proposed, and the cost of their conveyance by the present route in sailing ships, a Statement (D.) has been prepared, showing, on the one side, the actual expense per head by the latter route, computed at the average rates paid to and from each of the Presidencies during the years 1850 to 1856 and 1859, *i. e.*, leaving out the years 1857 and 1858, during which the mutiny in India occasioned a rise in the ordinary rates of freight; to which sum has been added the further

cost of the conveyance of the officers, and the value of the supply of bedding and medical comforts, all of which are provided for in Estimate (C.)

On the other side are shown the charges incidental to the expenditure of the before-mentioned capital of 535,800 *l.*, which charges comprehend interest, insurance, and provision for redemption of the original outlay; these charges, although not actually to be incurred, are presumed to be included in the rates per head at present paid to owners of sailing vessels for passage money.

The result of this comparison shows the cost by the present system of sailing vessels, *viâ* the Cape, to be 19*l.* 16*s.* 11*d.* per head, and by the proposed system of Government steam troopships, *viâ* the Isthmus of Suez, to 18*l.* 9*s.* 9*d.* per head, the latter being, therefore, the cheapest route by 1*l.* 7*s.* 2*d.* per head, notwithstanding the charges upon capital beforementioned.

Independent, however, of the saving thus to be effected by the adoption of the overland route, it is to be observed that the transit of the troops would by that route be performed in from 36 to 47 days, excepting in the instance of one ship only. In regard to the cost of performing these reliefs by freight, an Estimate (F.) has been prepared (in the absence of any information in this department as to the rates per head which would be charged by shipowners were the troops conveyed in freight ships) of the probable cost of performing these services by means of hired transports, in lieu of the five steam troop ships proposed to be built or purchased, from which it appears that the employment of transports would raise the cost to 30*l.* 0*s.* 2*d.* per head. A summary Statement (G.) has been added, which shows at one view the comparative results of Statements (C.), (D.), and (E.), by which it will also be seen that, after the requisite vessels and boats have been obtained and forwarded to their stations, a permanent saving would be effected by the adoption of the overland route in lieu of the present system, of 65,014 *l.* annually, or 3*l.* 9*s.* 1*d.* per head for all officers, men, women, and children (as adults) so conveyed between England and India. A recapitulation of the leading facts as regards the present and proposed mode of transit for the troops forming the annual Indian reliefs is annexed.

The Secretary of the Admiralty,
&c. &c. &c.

(signed) *W. R. Mends,*
Director of Transport Services.

(A.)

TROOPS TO INDIA—OVERLAND.

CAPITAL required to be invested in Steam Vessels, Tugs, and Boats.

PARTICULARS.	AMOUNT.
	£.
For the purchase or building of 5 steam vessels for service between Suez and India, 2,800 tons and 600 horse power each, at 25 <i>l.</i> per ton and 60 <i>l.</i> per horse power - - - - -	530,000
Ditto - - ditto - of 2 steam-tugs for towing boats, &c. at Alexandria and Suez, at 2,000 <i>l.</i> each - - - - -	4,000
Ditto - - ditto - of 12 boats for landing and embarking troops at Alexandria and Suez, at 150 <i>l.</i> each - - - - -	1,800
TOTAL - - - £.	535,800

(B.)

TROOPS TO INDIA—OVERLAND.

Cost of sending out three Steam Troop-ships to Trincomalee, and two to Suez; and also sending one Steam-tug and six Boats to Alexandria, and one Steam-tug and six Boats to Suez.

PARTICULARS.		AMOUNT.
Steam Vessels:	£.	£.
Coals for three steam vessels to Trincomalee and two to Suez - - - - -	26,685	
Wear and tear of hulls and rigging - - - - -	6,332	
Ditto - - of engines - - - - -	9,677	
Wages of officers and crews - - - - -	12,619	55,313
Tugs and Boats:		
Cost of sending out one tug and six boats to Alexandria, and the same to Suez - - - - -		1,000
TOTAL - - - £.		56,313

(C.)

ESTIMATE of the Annual Expense of conveying 9,000 Men from England to India, and 6,000 Men from India to England, *viâ* the Isthmus of Suez, with Officers, Women, and Children = 18,825 Adults.

Number of Paper.	Head of Expense.	PARTICULARS.	Amount.
		£.	£.
1	Working Expenses of Ships - -	Wear and tear of ships in hull, rigging, and machinery - -	45,887
2		Wages and victuals of crews - -	68,939
3		Coals - - - - -	92,180
			206,006
4	Expenses for Troops on Passage - -	Mess of military officers - -	10,497
5		Victualling of troops, women, and children - - - - -	37,411
6		Bedding for officers, troops, &c. -	13,958
			62,866
7	Expenses of Transit across the Isthmus	Expenses of the transit of officers and troops across the Isthmus of Suez - - - - -	30,600
8		Wages and victuals of the crews of tugs for landing and embarking - -	1,300
9		Coals for ditto - - ditto - -	151
			32,051
10	Conveyance of the Crews of two Ships to England, and back to Suez - -	Wear and tear of ship machinery -	3,562
		Coals for ditto (wages and victuals included in No. 2) - - - -	2,415
		Transit of officers and men across the Isthmus - - - - -	1,500
			7,277
		TOTAL ANNUAL COST - - - £.	308,600

Equal to 16,393 *l.* per 1,000 adults; or, 16 *l.* 7 *s.* 10 *d.* per head for 18,825 adults.

(D.)

COMPARATIVE STATEMENT of the Annual Expense of conveying 15,000 Men, with Officers, Women, and Children, between England and India, *viâ* the Isthmus of Suez and *viâ* the Cape of Good Hope, taking into account the Charges upon the Capital laid out in the Purchase of Vessels for the first-named Service, and Insurance.

OVERLAND ROUTE.		<i>Viâ</i> CAPE OF GOOD HOPE.	
Particulars.	Amount.	Particulars.	Amount.
Cost of conveying 15,000 men, with officers, women, and children, equal to 18,825 adults, between England and India, Overland (Statement C.) - - - -	£. 308,600	Cost of conveying 15,000 men, with women and children, equal to 18,150 adults, between England and India, <i>viâ</i> the Cape of Good Hope, at average rates paid by India Government, in 1850 to 1856 and 1859 - - - -	£. 238,116
These Amounts inserted for purpose of comparison only :	£.	Passage of 675 officers with the above, at usual rate paid by the India Government - - - -	£. 69,525
Annual charge for redemption of capital - - - -	13,395	Cost of bedding for officers, men, women, and children - - - - -	11,400
Ditto - for interest on capital unredeemed - - - -	12,842	Cost of medical comforts for ditto - - - -	4,573
Ditto - for insurance on Mediterranean ships - - - -	5,275		85,498
Ditto - ditto - on India ships - - - -	8,003		
	39,515		
TOTAL - - - £.	348,115	TOTAL - - - £.	373,614

Equal to 18 l. 9 s. 9 d., per head for 18,825 adults.

Equal to 19 l. 16 s. 11 d., per head for 18,825 adults.

(E.)

INDIAN RELIEF—OVERLAND.

DIFFERENCE on account of Pay and Stoppages by the Overland and Cape Routes.

	OVERLAND.		<i>Viâ</i> THE CAPE.	
	Numbers for a Day.	Amount.	Numbers for a Day.	Amount.
Pay of officers and men at 1 s. 8 ⁸ / ₉ d. per head, average rate per Army Estimates for 1862-3 - - - -	*650,094	£. 56,604	†1,764,482	£. 153,634
Abate mess contributions, at 3 s. 6 d. per day - - - -	27,994	4,899	- - -	- - -
Ditto - - ditto - - at 5 l. for the voyage (675 officers) - - -	- - -	- - -	- - -	3,375
	£.	51,705	- - -	150,259
Abate ration stoppages, at 6 d. per ration - - - -	622,100	15,552	1,688,500	42,212
	£.	36,153	- - -	108,047
Abate - - - - -	- - -	- - -	- - -	36,153
Difference in Pay and Stoppages gained by Overland Route - - - £.	- - -	- - -	- - -	71,894

* Men - - - 622,100	† Men - - - 1,688,500
Officers - - - 27,994	Officers - - - 75,982
650,094	1,764,482

(F.)

TROOPS OVERLAND TO INDIA.

If Hired Transports were to be employed in lieu of Troop Ships, in India, the expense of the whole Service would be as follows:*

										AMOUNT.
										£.
Indian Ships -	{	Transport Hire	-	-	-	-	-	-	-	300,650
		Fitting	-	-	-	-	-	-	-	2,338
		Coals	-	-	-	-	-	-	-	115,290
Mediterranean Ships -	{	Wear and Tear (C. 1)	-	-	-	-	-	-	-	17,788
		Wages and Victuals (C. 2)	-	-	-	-	-	-	-	17,214
		Coals (C. 3.)	-	-	-	-	-	-	-	17,250
Mess, victualling and bedding for troops (C. 4 to 6)										62,366
Transit of the Isthmus, and expense of tugs (C. 7 to 9)										32,051
										£. 564,947

The sum of 5,800 *l.* in addition, would have to be expended, in the first instance, in the purchase of tugs and boats (A).

£. 564,947 for 18,825 adults = £. 30,010 per 1,000, or 30 *l.* 0 *s.* 2 *d.* per head.

(G.)

INDIA RELIEFS—OVERLAND.

SUMMARY.

		Total Cost.	Cost per 1,000 Adults.	Rate per Adult.
		£.	£.	£. s. d.
Overland Route	1. By Government steam troopships. Actual cost of the service (C.) -	308,600	16,393	16 7 10
	2. By Government steam troopships, including redemption of capital and insurance (D.) - - -	348,115	18,491	18 9 9
	3. By hired steam transports be- tween Suez and India, including Government troopships in the Me- diterranean (F.) - - -	564,947	30,010	30 - 2
Via Cape of Good Hope.	4. By sailing vessels as by present system (D.) - - -	373,614	19,846	19 16 11
Gained by Government steam troopships (overland route), as at No. 1 over sailing freight ships (<i>via</i> the Cape) No. 4 - - -		65,014	3,453	3 9 1
Annual gain in pay after allowing for stoppages— Statement (E.) - - -		71,894	3,819	3 16 4
First expense in sending out the transports, tugs, and boats—Statement (B.) - - -		56,313	—	—

* Assuming the vessels to sail each year from England, and to return to England at the conclusion of the service, which would be a more economical arrangement than discharging them abroad at the increased rates which would have to be paid.

RECAPITULATION.

FIRST COST.

The value of the Government steam troopships and other vessels required to inaugurate the service is estimated at	£. 535,800
The expense of sending them out to their stations in the first instance will be	56,313
TOTAL of First Cost	£. 592,113

ANNUAL EXPENSE.

The annual expense to be incurred for working expenses of ships, mess, victualling and bedding for the troops on passage, and for their crossing the Isthmus of Suez, as well as for the conveyance of the crews of two ships to England and back, each season will be	£. 308,600, or £. 16 7 s. 10 d. per head.
The present annual expense by sailing ships averages	{ £. 373,614, or £. 19 16 s. 11 d. per head.
Difference in favour of the overland route	{ £. 65,014, or £. 3 9 s. 1 d. per head.

— No. 6. —

W. G. Romaine, Esq., to the Under Secretary of State for War.

Sir,

Admiralty, 18 February 1863.

IN reply to your letter of the 17th instant, requesting to be furnished with an estimate of the cost of conveying the annual reliefs for India, *via* Suez, assuming 9,000 men to proceed from this country and 6,000 men to return from India, I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Secretary Sir George Lewis, a report from the Director of Transport Services, explanatory of the arrangement necessary for establishing an organised system of carrying out such service, accompanied by estimates of the cost, by which it appears that the saving to be effected by the adoption of the overland route, as compared with the present system of hired transports by the long-sea route, is computed at about 65,000 *l.* a year.

I am, &c.

The Under Secretary of State for War.

(signed) *W. G. Romaine*.

— No. 7. —

MEMORANDUM by the Quartermaster General of the Army, Head Quarters, Mahableshwur, dated 18 May 1863, with Endorsements and continuation Reports.

§ 1. THE established strength of a British infantry regiment on the Indian establishment is at present :—

- 41 Commissioned officers.
- 9 Staff sergeants.
- 910 Non-commissioned rank and file.
- 110 Soldiers' wives, at 12 per cent.
- 110 Children (two children per family, and two as one adult).

TOTAL - - 1,180

2. For entire regiments coming out from England to India, this would be very nearly the proportion ; and 12,000 passengers, on this basis, would be divided into—

	416 officers.	} This is equal to 10 regiments, and two companies surplus.
	9,352 men.	
	* 2,232 families.	
TOTAL - - -	12,000 passengers.	

3. Recruits, however, on their outward passage, would not have more than 2 per cent. of officers and 5 per cent. of families, for men ; therefore the approximate proportion would be 20 officers and 50 families per 1,000 men.

4. Troops going to England are divided into " men in health " and invalids, the latter requiring extra space.† Such troops are not accompanied by many families, owing to volunteering and other causes ; I would, therefore, estimate this wear at 8 per cent. only, and children in proportion. I would also estimate their officers at 3 per cent.

† The space allowed is as follows :

Adults in health	-	6' × 18"
Invalids	-	7' × 27"
Insane Patients	-	7' × 48"

Thus 6,000 passengers would be divided into—

150 officers.
5,050 men.
800 families (two children as one adult.)
6,000 passengers.

5. The increased space for the invalids, included in the above non-commissioned rank and file, may be computed as equal to 200 men.

6. As the accommodation for officers is quite separate from that set apart for the soldiers and their families, the former, perhaps, should be extra to the 12,000 and 6,000 passengers respectively requiring deck space.

* I am, &c.
(signed) R. Phayre, Lieut. Colonel,
Quartermaster General.

Enclosures.

(No. 1.)

Sir H. B. E. Frere's Endorsement, dated 22 May 1863.

(Immediate and confidential.)

I SHOULD like to have the best estimate Colonel Pottinger and Captain Young can frame between them for conveying this body of men to and from Suez:—

1. By such Government vessels as we have.
2. By contract vessels (steamers).

(signed) H. B. E. Frere.

* This accommodation, reserved for this number of adults, would of course be available for soldiers, in the event of the proportion of wives and children being below the per-centage allowed.

(No. 2.)

REPORT by Colonel *Pottinger* and Captain *Young*, C.B., dated Bombay, 6 June 1863.

THE capacity of the sea-going steamers now under the Bombay Government is as follows for transport service:—

	Number of Troops.
Berenice - - - - -	375
Semiramis - - - - -	194
Zenobia - - - - -	227
Coromandel - - - - -	301
Dalhousie - - - - -	159
Victoria - - - - -	190
TOTAL - - -	1,446

To convey 12,000 troops each ship would have to make eight trips, for which 14 months would be required; whereas the entire service ought to be performed in the six months intervening between 1st November and 30th April; hence, as the work cannot be carried out by such vessels as the Bombay Government now possess, we have not framed any estimate under this head.

2. Assuming the charges from Bombay to Suez at two-thirds of those from Bombay to England, it appears by Mr. McKinnon's offer that the contract cost of conveying troops and families, as specified in the Quartermaster General's report, dated 18th May 1863, viz., 12,000 from Suez to Bombay and 6,000 from Bombay to Suez would be about 313,206 £; and we will now proceed to show that the service can be more economically performed by six iron steamers of 1,500 tons, and from 350 to 500 horse-power each, as Government transports, the original cost of which may be estimated at about 420,000 £.

3. Charges:—

	£.
20 per cent. interest on cost and deterioration - - -	84,000
Annual charges for crew, provisions, coals and stores - - -	100,000
Rations, medical comforts, medicines, sea-kit and stores for 18,000 troops with families - - -	27,000
Table money for officers - - -	6,792

TOTAL COST by Government transports - - - £. 217,792

TOTAL COST by contract - - - - - 313,206

Balance in favour of Government transports - - - £. 95,414

4. In this Estimate pay and provisions for full crews throughout the year have been calculated, but as the Suez transport service would be completed in six months, the ships might be reduced to harbour crews for the other six months with a proportionate reduction in cost, or they would be available for coast transport duty, the cost of which would, if credited to them, considerably increase the balance in their favour on the Suez account.

5. To meet the views expressed by the Right Honourable the Secretary of State for India, a double despatch of steamers should take place on the 1st and 15th of each month, commencing on the 1st November and terminating on the 15th March, each steamer carrying 600 men, and the whole completing the service in 10 trips. To exemplify which they are numbered 1, 2, 3, 4, 5, 6.

Steamers.	Leave Bombay.	Return to Bombay.	Steamers.	Leave Bombay.	Return to Bombay.
1 and 2 -	1 November	5 December.	5 and 6 -	15 January	20 February.
3 and 4 -	15 November	20 December.	1 and 2 -	1 February	7 March.
5 and 6 -	1 December	5 January.	3 and 4 -	15 February	22 March.
1 and 2 -	15 December	20 January.	5 and 6 -	1 March	5 April.
3 and 4 -	1 January	5 February.	1 and 2 -	15 March	20 April.

6. The above arrangement allows each steamer about five days at Suez and ten days at Bombay, which would amply suffice for all ordinary purposes; but to meet the contingency of a broken shaft or other serious derangement of machinery, it appears necessary

that a seventh steamer should be kept in reserve, for which the following addition must be made to the estimate in paragraph 3.

	£.
20 per cent. interest on 70,000 <i>l.</i> - - - - -	14,000
Cost for pay and provisions for crew, &c., stores, but not of coal, that being provided for in the six steamers estimated - - -	8,833
Total Additional Cost - - -	£. 22,833

Thus reducing the balance in favour of Government Transports to 72,581 *l.*

7. These figures, however, only represent the actual saving on the Suez line as compared with a contract service, to which must be added the present annual cost of conveyance of troops and stores to Aden, and either the difference between the sea-going and harbour charges for six months, or the present transport charges of Western India. "

(signed) *J. W. Young,*
J. Pottinger, Colonel.

(No. 3.)

COPY LETTER from Captain *J. W. Young*, C.B., and Colonel *Pottinger* to Lieutenant Colonel *Marriott*, dated Bombay, 16 June 1863.

Sir,

WITH reference to our estimate for the transport of troops between Bombay and Suez, we have the honour to inform you that the item of 100,000 *l.* annual charge for crew, provisions, coal and stores, consists of—

	£.
Coal for 20 trips, allowing 27 days to each trip, 40 tons a-day at 2 <i>l.</i> 4s. per ton - - - - -	47,520
Pay and provisions for crew - - - - -	38,480
Stores - - - - -	14,000
TOTAL - - -	£. 100,000

The 20 per cent. charged in the same estimate on original cost, deterioration, &c., is divided as follows:

Interest on cost, 5 per cent.
Deterioration, 10 per cent.
Repairs, 5 per cent.

The usual charge made by Government on all those accounts for vessels lent to the Imperial Government has hitherto only been 10 per cent.

We are of opinion that seven vessels will suffice for the work contemplated, but an eighth vessel would make the thing more certain, and probably enable Government to dispose of several of those now employed, thereby entailing little extra expense, if not an actual gain to the State.

We have, &c.
(signed) *J. W. Young,*
John Pottinger, Colonel, R.A.

— No. 8. —

Lord *Clarence Paget*, Secretary to the Admiralty, to the Under-Secretary of State for India.

Sir,

Admiralty, 10 June 1863.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you the accompanying statement and estimates of the cost of effecting the interchange of troops between this country and India *via* Egypt, and I am to request you will lay the same before the Secretary of State for India with reference to his request of the 7th ultimo.

I am, &c.
(signed) *C. Paget.*

Enclosures to No. 8.

1. INDIAN RELIEFS.

THE accompanying Estimate of the expense of carrying out the Indian reliefs for 1863-4 overland, has been prepared in two forms, based respectively on the programmes (A.) and (B.) herewith, the particulars of which are stated below, viz. :—

	Programme (A.)	Programme (B.)
The first ship leaves Portsmouth with troops - - -	5 September	9 August
Ditto - - - Bombay - ditto - - -	"	"
The last ship arrives at Portsmouth with troops - - -	20 February	31 March
Ditto - - - Bombay - ditto - - -	4 March	18 April
The cost of conveying the whole number of officers, men, women, and children, between England and India, averages - - - - -	£. 11. 9. 5. per adult.	£. 11. 17. 11. per adult.
The sum required for the purchase of steam vessels, boats and tugs for service in the Mediterranean and in India is -	£. 1,072,294*	£. 837,028*
But if the ships for the Mediterranean Service should be provided from the resources of the navy, those for the India Service alone would cost - - - - -	£. 624,894 -	£. 500,628
The ships remain in England, at Suez, and at Bombay, after the completion of each voyage - - - - -	12 days -	18 days.
Ditto - - - Alexandria - - - - -	4 " -	4 "
The through transit occupies - - - - -	36 " -	36 "

* Each steamer costs 111,000 £.

At the commencement of the service, a ship is in readiness at Suez to receive the troops arriving by the first ship from England, and throughout the service; the vessel sailing from Bombay arrives at Suez, 10 days in the case of Programme (A.), and 16 days in the case of Programme (B.), before the arrival at Alexandria of the vessel from which the troops coming from England are to be received.

In Statement (A.) the ships leave England at such dates as enable the troops to navigate the Red Sea during the period indicated by the Army Medical Officer, the whole Service being performed by nine ships (four Mediterranean, five India), and occupying about six months.

In Statement (B.) the period of service is extended by two months, to admit of the employment of only seven ships (three Mediterranean, four India).

Under both programmes, the vessels employed on the Indian side terminate their service at Bombay, and those in the Mediterranean return to Portsmouth, the last ship being empty.

It will be seen that the sum required for the purchase of vessels and sending them out to their stations is considerably greater in the case of Programme (A.) than in that of Programme (B.); but that the cost per head for the conveyance of the troops is rather greater in the latter case.

In the event, however, of ships belonging to the navy being employed in lieu of purchased vessels for the Mediterranean portion of the service, a considerable portion of the first outlay would be saved, as will be seen on reference to the foregoing particulars; but the annual expense of conveying the troops between England and India would not be affected thereby, and the cost per adult would be the same whichever description of vessels might be employed.

A comparison has been made of the cost by this estimate, and of the expense of conveyance *via* the Cape, as at present (*see* Statement D.), from which it appears that an annual saving of 126,995 £. will be effected by the shorter route, exclusive of the saving of 93,343 £. on the pay of the troops, being a total of 220,338 £. In this calculation an allowance has been made for redemption of capital, interest, and insurance; but should these calculations be thrown out of the question, and the actual expense only of the conveyance of the troops be taken into account, the annual saving will be 194,122 £., or, including the saving in pay as before, 287,465 £.

The cost of the vessels has been based on that incurred for the "Orontes" and "Tamar" iron ships recently constructed, and the wear and tear for the periods employed, upon that actually incurred by the "Himalaya."

The estimate solely refers to the period during which the service is being performed. It is to be observed that if the vessels be constructed of iron, their bottoms should be doubled and cellular, as affording the best safeguard against taking the ground.

The fouling of the bottoms of iron ships is an evil that has to be provided for by repeated docking, and as it appears from the most authentic reports, that the depth of water on the dock sill at Bombay at high water springs does not ever exceed 17 feet, whilst the hydrographer of the Admiralty gives the average at 16 feet, care must be taken in the formation of the vessels that the docking draught shall not exceed the latter. The "Orontes" and "Tamar" class having a light or docking draught of 17 feet.

(signed) *W. R. Mends,*
Director of Transport Services.

9 June 1863.

(A.)

INDIAN RELIEFS.—OVERLAND.

SCHEME of Sailings and Arrivals of the Ships to be employed in carrying out the Indian Reliefs for 1863-4.

Number of Voyage.	Ship's Letter.	Leave Portsmouth.	Arrive at Alexandria.	Delivers Troops to	Leave Suez.	Arrive at Bombay.	Ship's Letter.	Leave Bombay.	Arrive at Suez.	Delivers Troops to	Leave Alexandria.	Arrive at Portsmouth.	Number of Voyage.
1	A.	5 Sept. -	21 Sept. -	L.	23 Sept. -	11 Oct. -	M.	5 Sept. -	23 Sept. -	A.	25 Sept. -	11 Oct. -	1
2	B.	17 Sept. -	3 Oct. -	M.	5 Oct. -	23 Oct. -	N.	17 Sept. -	5 Oct. -	B.	7 Oct. -	23 Oct. -	2
3	C.	29 Sept. -	15 Oct. -	N.	17 Oct. -	4 Nov. -	O.	29 Sept. -	17 Oct. -	C.	19 Oct. -	4 Nov. -	3
4	D.	11 Oct. -	27 Oct. -	O.	29 Oct. -	16 Nov. -	P.	11 Oct. -	29 Oct. -	D.	31 Oct. -	16 Nov. -	4
5	A.	23 Oct. -	8 Nov. -	P.	10 Nov. -	28 Nov. -	L.	23 Oct. -	10 Nov. -	A.	12 Nov. -	28 Nov. -	5
6	B.	4 Nov. -	20 Nov. -	L.	22 Nov. -	10 Dec. -	M.	4 Nov. -	22 Nov. -	B.	24 Nov. -	10 Dec. -	6
7	C.	16 Nov. -	2 Dec. -	M.	4 Dec. -	22 Dec. -	N.	16 Nov. -	4 Dec. -	C.	6 Dec. -	22 Dec. -	7
8	D.	28 Nov. -	14 Dec. -	N.	16 Dec. -	3 Jan. -	O.	28 Nov. -	16 Dec. -	D.	18 Dec. -	3 Jan. -	8
9	A.	10 Dec. -	26 Dec. -	O.	28 Dec. -	15 Jan. -	P.	10 Dec. -	28 Dec. -	A.	30 Dec. -	15 Jan. -	9
10	B.	22 Dec. -	7 Jan. -	P.	9 Jan. -	27 Jan. -	L.	22 Dec. -	9 Jan. -	B.	11 Jan. -	27 Jan. -	10
11	C.	3 Jan. -	19 Jan. -	L.	21 Jan. -	8 Feb. -	M.	3 Jan. -	21 Jan. -	C.	23 Jan. -	8 Feb. -	11
12	D.	15 Jan. -	31 Jan. -	M.	2 Feb. -	20 Feb. -	N.	15 Jan. -	2 Feb. -	D.	4 Feb. -	20 Feb. -	12
13	A.	27 Jan. -	12 Feb. -	N.	14 Feb. -	4 Mar. -	-	-	-	A.	16 Feb. -	4 Mar. -	13 { Returns empty.

(B.)

INDIAN RELIEFS.—OVERLAND.

SCHEME of Sailings and Arrivals of the Ships to be employed in carrying out the Indian Reliefs for 1863-4.

Number of Voyage.	Ship's Letter.	Leave Portsmouth.	Arrive at Alexandria.	Delivers Troops to	Leave Suez.	Arrive at Bombay.	Ship's Letter.	Leave Bombay.	Arrive at Suez.	Delivers Troops to	Leave Alexandria.	Arrive at Portsmouth.	Number of Voyage.
1	A.	9 Aug. -	25 Aug. -	L.	27 Aug. -	14 Sept. -	M.	9 Aug. -	27 Aug. -	A.	29 Aug. -	14 Sept. -	1
2	B.	27 Aug. -	12 Sept. -	M.	14 Sept. -	2 Oct. -	N.	27 Aug. -	14 Sept. -	B.	16 Sept. -	2 Oct. -	2
3	C.	14 Sept. -	30 Sept. -	N.	2 Oct. -	20 Oct. -	O.	14 Sept. -	2 Oct. -	C.	4 Oct. -	20 Oct. -	3
4	A.	2 Oct. -	18 Oct. -	O.	20 Oct. -	7 Nov. -	L.	2 Oct. -	20 Oct. -	A.	22 Oct. -	7 Nov. -	4
5	B.	20 Oct. -	5 Nov. -	L.	7 Nov. -	25 Nov. -	M.	20 Oct. -	7 Nov. -	B.	9 Nov. -	25 Nov. -	5
6	C.	7 Nov. -	23 Nov. -	M.	25 Nov. -	13 Dec. -	N.	7 Nov. -	25 Nov. -	C.	27 Nov. -	13 Dec. -	6
7	A.	25 Nov. -	11 Dec. -	N.	13 Dec. -	31 Dec. -	O.	25 Nov. -	13 Dec. -	A.	15 Dec. -	31 Dec. -	7
8	B.	13 Dec. -	29 Dec. -	O.	31 Dec. -	18 Jan. -	L.	13 Dec. -	31 Dec. -	B.	2 Jan. -	18 Jan. -	8
9	C.	31 Dec. -	16 Jan. -	L.	18 Jan. -	5 Feb. -	M.	31 Dec. -	18 Jan. -	C.	20 Jan. -	5 Feb. -	9
10	A.	18 Jan. -	3 Feb. -	M.	5 Feb. -	23 Feb. -	N.	18 Jan. -	5 Feb. -	A.	7 Feb. -	23 Feb. -	10
11	B.	5 Feb. -	21 Feb. -	N.	23 Feb. -	13 Mar. -	O.	5 Feb. -	23 Feb. -	B.	25 Feb. -	13 Mar. -	11
12	C.	23 Feb. -	11 Mar. -	O.	13 Mar. -	31 Mar. -	L.	23 Feb. -	13 Mar. -	C.	15 Mar. -	31 Mar. -	12
13	A.	13 Mar. -	29 Mar. -	L.	31 Mar. -	18 April -	-	-	-	A.	2 Apr. -	18 Apr. -	13 { Returns empty.

(C.)

INDIAN RELIEFS.

ESTIMATE of the Cost of carrying out the Indian Reliefs for 1863-4, in accordance with the accompanying Programmes (A.) and (B.)

NUMBERS TO BE CONVEYED.				SHIPS AND VESSELS TO BE EMPLOYED.					
	Out.	Home.	TOTAL.	Programme (A.)			Programme (B.)		
				In the Mediterranean.	In India.	TOTAL.	In the Mediterranean.	In India.	TOTAL.
Officers - - -	515	432	947						
Men - - -	11,088	7,912	19,000						
Women - - -	1,329	724	2,053						
Children - - -	1,919	1,086	3,005						
TOTAL Individuals -	14,851	10,154	25,005						
Of Adults - - -	13,891	9,611	23,502						
				Steam Vessels of 3,000 tons, and 600 horse-power -					
				Boats for landing and embark- ing Troops - - -					
				Steam Tugs - - -					
				4	5	9	3	4	7
				6	6	12	6	6	12
				1	1	2	1	1	2

FIRST COST of procuring the Vessels necessary for the Service.

				Programme (A.)		Programme (B.)	
				In the Mediterranean.	In India.	In the Mediterranean.	In India.
				£.	£.	£.	£.
Purchase of Steam Vessels, as above - - -				444,000	555,000	333,000	444,000
Ditto of Tugs and Boats - - -				2,900	2,900	2,900	2,900
Sending the above to their Station - - -				500	66,994	500	53,723
TOTAL - - - £.				447,400	624,894	336,400	500,623
				£. 1,072,294		£. 837,028	

ANNUAL EXPENSE of conveying the above Numbers of Officers, Men, Women and Children.

				Programme (A.)		Programme (B.)	
				In the Mediterranean.	In India.	In the Mediterranean.	In India.
				£.	£.	£.	£.
Wear and Tear of Ships - - -				25,534	28,831	26,734	31,148
Wages and Victuals of Crews - - -				18,253	22,753	20,487	27,065
Coals - - -				26,910	74,880	26,910	74,880
Mess of Military Officers - - -				5,232	8,906	5,232	8,996
Victualling of Troops - - -				18,157	22,322	18,157	22,322
Bedding - - -				8,863	8,863	8,863	8,863
£.				102,949	166,645	100,383	173,274
				£. 269,594		£. 279,657	
				or		or	
				£. 11. 9. 5. per adult.		£. 11. 17. 11. per adult.	

(D.)

COMPARATIVE STATEMENT of the Annual Expense of conveying 19,000 Men, with Officers, Women and Children, between England and India, *viâ* the Isthmus of Suez, and *viâ* the Cape of Good Hope, taking into account the Charges upon Capital laid out in the Purchase of Vessels for the first-named Service, and Insurance.

OVERLAND ROUTE.				Via CAPE OF GOOD HOPE.			
Particulars.	Programme (A.)	Programme (B.)	Particulars.	Amount.			
	Amount.	Amount.					
	£.	£.					
Cost of conveying 19,000 Men, with Officers, Women and Children, equal to 23,502 Adults - - - - -	269,594	279,657	Cost of conveying 19,000 Men, with Women and Chil- dren, equal to 22,555 Adults, between India (Bombay) and England, at average rates paid by East India Com- pany in the years 1850 to 1856 and 1859 - - -	346,702*			
These amounts are inserted for pur- pose of compari- son only: {	Annual Charge for the redemp- tion of Capital	25,119	19,569				
	Ditto - - for Interest on Capital unre- deemed -	24,899	19,398				
	Ditto - - for Insurance -	17,109	17,322				
	Programme (A.) - £. 67,127						
	Programme (B.) - 56,289						
TOTAL - - - - £.	336,721	335,946	TOTAL - - - - £.	463,716			
Equal to, for 23,502 Adults, per head -	£. 14. 6. 6.	£. 14. 5. 10.	Equal to, per head, for 23,502 Adults - - -	£. 19. 14. 7.			

*£. 346,702 = £. 15. 7. 5. per head.

— No. 9. —

The Secretary to the Peninsular and Oriental Steam Navigation Company to the Right Hon. Sir *Charles Wood*, Bart., G. C. B., M. P.

Sir,

122, Leadenhall-street, London, 20 June 1863.

THE Directors of this Company having observed by a Report of proceedings in the House of Commons that Her Majesty's Government have under consideration an arrangement for the transport of Troops to and from India by the overland route, and having had extensive experience both in respect to travellers generally as well as to troops in transit by that route, trust they may not be deemed intrusive in submitting the following suggestions and proposal for your consideration.

During the Indian Mutiny, and between the months of September 1857 and June 1858, 235 officers and 5,171 men were transported to India by this Company's steamers; and notwithstanding the disadvantages under which the service was performed—the mail contract vessels not being fitted up as transports—the men were landed in excellent health, and without being subjected to any hardship. The experience thus obtained proved, that with a properly organized transport system, there would be no difficulty during the fair season, extending over seven months, in conveying troops overland to and from India with less detriment, morally or physically, than they now suffer from the long sea voyage *viâ* the Cape.

The advantages of the overland route have already been recognized by the French Government, who now send reinforcements for their army in Cochin China, and bring back their invalids in the same manner; and it is known that they have fewer casualties and less sickness than if they were sent by the Cape of Good Hope.

The Directors of this Company would be prepared to tender for the conveyance of troops for the through voyage between England and India; but should Her Majesty's Government decide upon performing the service to Alexandria and the transit through Egypt, they would be ready to contract for the service between Suez and India only to be performed by screw steam-transports of 2,000 tons

2,000 tons, specially fitted up and set apart, and capable of carrying from 600 to 800 men each.

At Suez the Company has a hulk of 2,000 tons moored in the roadstead, capable of accommodating 800 men, where, in the event of the detention of the steamers, the troops could be lodged, and where they would not be exposed to the temptations of the Suez grog-shops, and the deleterious spirits sold in them. For communication between the shore and roadstead, a distance of about six miles, there is a steam-tug of about 150 tons, belonging to the Company.

The Directors would be willing to undertake this service on moderate terms, but to enable them to estimate what these terms should be, it will be necessary that they should be informed on the following points :

1. The estimated number of troops that will be sent out to and return from India annually, and the probable number that will embark in each transport.
2. The ports of embarkation and disembarkation in India, and the probable number of troops at each.
3. Whether arrangements would be made that the transports bringing troops to Suez should carry back from thence the reliefs from England, as it would greatly add to the cost of the service if the transports made a voyage either way empty.

From the complete organization of their establishments in Egypt and India and the means at their disposal, the Directors are confident that they could undertake this service under more favourable conditions than any other parties ; but should Her Majesty's Government determine that it is not to be performed by private contract, but by Her Majesty's transports, they will be ready to render every facility and assistance through their agencies abroad.

I have, &c.

(signed) *C. W. Howell*, Secretary.

— No. 10. —

(No. 091—481.)

The Under Secretary of State for War to the Under Secretary of State for India.

Sir,

War Office, 16 January 1864.

I HAVE the honour, by direction of the Secretary of State for War, to beg your attention to the letter from this office of the 31st of March last, respecting the proposal of carrying out the Indian reliefs by the overland route, as no reply appears to have yet been received in this office.

I have, &c.

(signed) *Edward Lugard*.

— No. 11. —

The Under Secretary of State for India to the Under Secretary of State for War.

Sir,

India Office, 19 January 1864.

I HAVE to acknowledge the receipt of your letter, dated the 16th instant, No. 091—481, and to acquaint you, in reply, that the War Office letter of the 31st of March 1863 therein referred to, on the subject of the Indian reliefs being conveyed between England and India by the overland route *via* Egypt, is under the consideration of the Secretary of State for India in Council.

I am, &c.

(signed) *T. G. Baring*.

— No. 12. —

The Under Secretary of State for India to the Secretary, Admiralty, Whitehall.

Sir,

India Office, 4 March 1864.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 10th of June last, transmitting estimates of the cost of effecting the interchange of troops between this country and India *via* Egypt.

2. The adoption of this route has been strongly recommended by the Governments of India and of Bombay, by his Royal Highness the Field Marshal Commanding-in-Chief, and by the Secretary of State for War; and Sir Charles Wood having considered the subject in Council, concurs with those authorities, whose opinion is entitled to the greatest weight, that the change suggested would be of great advantage to the public service, while at the same time it would be an economical arrangement to the revenues of India.

3. He has therefore decided to commence the new system of reliefs during the winter months of the year 1865-66. It would be premature to provide at that time for the overland transit of the whole of the troops to and from India; and he considers that it will be sufficient to organize a service in which two steam-ships on the Mediterranean and three on the Indian side of the Isthmus of Suez shall be continually running during the period of the transmission of troops. These ships will, from a calculation with which Sir Charles Wood has been favoured by the Director of Transports (with whom he has communicated with the permission of the Lords of the Admiralty), if employed for seven months, convey 9,640 adults outward, and say 7,000 homeward.

4. In order to provide for the transport of the troops between Portsmouth and Alexandria, Sir Charles Wood trusts that he may be able to obtain the co-operation of the Board of Admiralty, for he believes that no plan can be devised so convenient or economical both to the Indian and Imperial Governments as that their Lordships should undertake to provide by troop-ships of Her Majesty's navy for that service.

5. In order to reimburse the Imperial Government for the expense which will be incurred on account of the Indian reliefs, Sir Charles Wood proposes that the Indian Government should repay to the Board of Admiralty the actual cost of the coals consumed, and of the victualling of the officers and men conveyed, in the same manner as that in which he is informed that the cost of coals and victuals supplied by the Admiralty to foreign Governments and to the army is now repaid.

6. There remains the expense of the pay and victuals of the officers and crews of the ships, which will probably be included in the sums voted by Parliament in the Navy Estimates. A charge may also be fairly brought against the revenues of India on account of the wear and tear of the hulls and machinery of the ships, and also for their insurance when engaged in the service. Sir Charles Wood thinks that it will be found convenient to reduce these charges to a rate per voyage which would be paid from Indian revenues to Her Majesty's Exchequer, and he believes that a sum of 2,100*l.* per voyage would be a fair rate to fix.

7. With respect to the remaining portion of the service, Sir Charles Wood proposes that it shall be conducted by vessels belonging to the Indian Government, and in order to obtain the class of vessels most suitable for the purpose, he desires to avail himself of the assistance of the Board of Admiralty in the preparation of their specifications, and the superintendence of the proper execution of the contracts.

8. If their Lordships consider it to be expedient that the vessels employed on both sides should be of the same class, and it should be found that they cannot appropriate such vessels to the service between Portsmouth and Alexandria, Sir Charles Wood will be prepared to contract for the construction of two such vessels for that service in the course of the next 15 or 18 months, upon the understanding that the expense incurred on their account shall be repaid to the India Office by the Admiralty, when a Vote of Parliament has been obtained.

9. It will be essential to the proper performance of the service that there shall be complete unity of control over the executive portion of it, and it appears to Sir Charles Wood that this can best be secured if the Lords Commissioners of the Admiralty will permit the Director of Transports to undertake the superintendence. This arrangement was strongly recommended by a Committee of the House of Commons in the year 1861. It will probably be found necessary to make some addition to the establishment of that officer, and Sir Charles Wood thinks that it would be desirable to give him an assistant who would represent the India Office. The salary of the assistant and the cost of any other increase in the office which may, upon consideration, be found necessary, would, of course, be defrayed out of Indian revenues.

10. There are many matters of detail which will require careful consideration before the service commences, and which it may hereafter be necessary to bring under the notice of the Board of Admiralty; but Sir Charles Wood wishes, in the first place, to ascertain if the general principles of the scheme which I have been directed to explain in this letter receive the concurrence of their Lordships, in which case he believes that no practical difficulty will be found in making the requisite subsidiary arrangements.

I am, &c.
(signed) T. G. Baring.

— No. 13. —

MEMORANDUM.

THE annexed scheme is for the performance of a portion of the Indian Transport Service, *via* Egypt, by the employment in the first instance of two ships on the European, and three on the Indian side.

It has been framed on a similar basis to that of the programme furnished in June last; viz., commencing the service simultaneously at Portsmouth and Bombay on the 4th of September, and terminating at each of those ports on the 10th of March, being a period of about six months.

It will be observed that there is one ship at Suez ready to commence the service, and that there will always be one there ready to convey to India the troops which shall have arrived from England, and that the number of days allowed for cleaning, &c. at the several ports will be—

At Portsmouth -	- 10 days	} Instead of 12, as in the previous statement.
At Bombay -	- 10 days	
Suez, never less than	13 days.	
Alexandria -	- 4 days.	
For transit of Isthmus,	2 days.	

The ships on the European side will coal at Portsmouth, Malta, and Alexandria, and those on the India side at Bombay, Aden, and Suez.

These five ships should convey outwards 9,640 officers, men, women, and children, being the larger portion of the total amount of 14,851 shown in Statement C. of the former programme, and could convey as many as might be considered desirable of the total number of 10,854 persons to be brought home.

The expenses of the two Queen's troop ships to be appropriated for the service on the European side have been computed for a period of seven months, to allow a fortnight at the commencement of the service for the necessary preparation, and a fortnight at the termination for cleaning, &c., and are estimated to amount to the following sums:—

	£.	£.
Wear and tear of hull and rigging - - -	3,600	} 13,277
Wear and tear of engines and boilers - - -	9,677	
Wages and victuals of officers and crews - - -	- - -	15,258
Coals - - - - -	- - -	16,560
		45,095
Insurance at five per cent. on the average value of the ships -	- - -	4,937
TOTAL - - - £.		50,032

This amount being exclusive of the cost of mess, bedding, victualling, &c. of the officers, men, women, and children.

(signed) W. R. Mends,
Director of Transports.

— No. 14. —

SCHEME for the Performance of INDIAN RELIEFS, Overland, as far as can be effected by means of Two Vessels (2,800 Tons each) in the Mediterranean, and Three Vessels of 3,000 Tons each, in India.

Numbers Conveyed.	Ship's Letter.	Leave Ports- mouth.	Arrive at Alexandria.	Deliver Troops to.	Leave Suez.	Arrive at Bombay.	Ship's Letter.	Leave Bombay.	Arrive at Suez.	Deliver Troops to.	Leave Alex- andria.	Arrive at Ports- mouth.	Numbers Conveyed.
Men.													
900	A.	4 Sept.	20 Sept.	L.	22 Sept.	10 Oct. -	M.	4 Sept.	22 Sept.	A.	24 Sept.	10 Oct. -	900
900	B.	17 Sept.	3 Oct. -	M.	5 Oct. -	23 Oct. -	N.	17 Sept.	5 Oct. -	B.	7 Oct. -	23 Oct. -	900
900	A.	20 Oct. -	5 Nov. -	N.	7 Nov. -	25 Nov. -	L.	20 Oct. -	7 Nov. -	A.	9 Nov. -	25 Nov. -	900
900	B.	2 Nov. -	18 Nov. -	L.	20 Nov. -	8 Dec. -	M.	2 Nov. -	20 Nov. -	B.	22 Nov. -	8 Dec. -	900
900	A.	5 Dec. -	21 Dec. -	M.	23 Dec. -	10 Jan. -	N.	5 Dec. -	23 Dec. -	A.	25 Dec. -	10 Jan. -	900
900	B.	18 Dec. -	3 Jan. -	N.	5 Jan. -	23 Jan. -	L.	18 Dec. -	5 Jan. -	B.	7 Jan. -	23 Jan. -	900
900	A.	20 Jan. -	5 Feb. -	L.	7 Feb. -	25 Feb. -	M.	20 Jan. -	7 Feb. -	A.	9 Feb. -	25 Feb. -	900
900	B.	2 Feb. -	18 Feb. -	M.	20 Feb. -	10 March	N.	2 Feb. -	20 Feb. -	B.	22 Feb. -	10 March	900
7,200													7,200

4 January 1864.

— No. 15. —

(S).

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 14 March 1864.

IN reply to your letter of the 4th instant, I am commanded by my Lords Commissioners of the Admiralty to request you will state to Secretary Sir Charles Wood that they approve of the general arrangements proposed by him for carrying out the scheme for the conveyance of troops to and from India, *via* Suez and the Red Sea. Their Lordships have, however, no vessels whose services could be spared for the commencement of the service between Alexandria and this country by the winter months of next year, but steps will be taken for the Director of Transports in communication with the Controller of the Navy to obtain drawings and specifications of the description of vessel deemed most suitable for the performance of the service, with a view to contracts being entered into by the India Office for the construction of the vessels on the terms proposed, viz., that the Naval Department shall not be called upon to pay for the work until a vote of Parliament has been obtained.

My Lords see no objection to the proposition as to charging the India Office with the current expenses of these vessels whilst employed in the conveyance of troops, as suggested; but the amount for wear and tear, insurance, &c., had better be left for consideration when the service is commenced.

My Lords quite concur with the recommendation of the Committee of the House of Commons that the Director of Transports should be charged with the superintendence of the service when it comes into operation, and they see no objection to the appointment of an assistant to aid him in the performance of this branch of his duties, on the understanding that the expenses of his pay, and of any additional staff required in the Transport Department, be repaid by the India Office, and that the services of this officer, when not specially required for this particular duty, may be made available for the current duties of the office.

I am, &c.

(signed) W. G. Romaine.

— No. 16. —

The Under Secretary of State for India to the Secretary to the Admiralty,
Whitehall.

Sir,

India Office, 17 March 1864.

I AM directed to acknowledge the receipt of your letter dated the 14th instant, and to express the satisfaction of the Secretary of State for India in Council that the general arrangements for carrying into effect the scheme for the conveyance of troops to and from India and this country, *via* Egypt, as proposed in the India Office letter of the 4th instant, meet with the approval of the Lords Commissioners of the Admiralty; and I am to request that you will inform their Lordships that Sir Charles Wood will be prepared to enter into contracts for the construction of the vessels necessary for the service according to the drawings and specifications to be obtained from the Director of Transports and Controller of the Navy, their Lordships undertaking on their parts to propose a Vote for defraying the cost of two of these vessels in the Naval Estimates for 1865-6.

I am, &c.
(signed) T. G. Baring.

— No. 17. —

The Under Secretary of State for India to the Under Secretary of State for War.

Sir,

India Office, 22 March 1864.

WITH reference to your letter, dated the 16th of January last, No. 091—481, and to the reply from this office of the 19th idem, I am directed to communicate to you, for the information of the Secretary of State for War, the preliminary general arrangements which have been determined between the Lords Commissioners of the Admiralty, and the Secretary of State for India in Council, for effecting the Indian Reliefs by the overland route; as, although there are many matters of detail which will require careful consideration before the service commences, Sir Charles Wood is desirous that Earl de Grey and Ripon shall have the earliest intimation of the proposed measures.

It has been decided to commence the new system of reliefs during the winter months of the year 1865-66; but as it would be premature to provide at that time for the overland transit of the whole of the troops to and from India, a service will be organized in which two steam-ships on the Mediterranean, and three on the Indian side of the Isthmus of Suez, will be constantly running during the proper season.

These ships, if employed for seven months will, according to a calculation made by the Director of Transports, convey 9,640 adults outwards, and (say) 7,000 homewards.

The service between Portsmouth and Alexandria will be performed by Her Majesty's troop-ships, and that between Suez and India, by vessels belonging to the Indian Government.

Steps will be taken at once to enter into contracts for the construction of the vessels required, the plans and specifications of which will be prepared in communication with the Director of Transports and the Controller of the Navy.

It has been further decided that the Director of Transports shall be charged with the executive superintendence of the service on its coming into operation.

I am, &c.
(signed) T. G. Baring.

— No. 18. —

(S.)

W. G. Romaine, Esq., c.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 31 March 1864.

WITH reference to former correspondence respecting the construction of vessels for the conveyance of troops to and from India, which, as already determined on, are to accommodate 1,450 persons (including women, children, and the officers and crew of the ship), and to carry 16 days fuel for full steaming, with power to insure a speed of not less than 14 knots at trial, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for India, that their Lordships are of opinion that these vessels should be propelled by screw, and they request to be informed whether the Secretary of State for India concurs in this opinion.

I am, &c.

(signed) *W. G. Romaine*.

— No. 19. —

The Under Secretary of State for India to *W. G. Romaine*, Esq., c.B., Secretary to the Admiralty.

Sir,

India Office, 6 April 1864.

I AM directed to acquaint you, for the information of the Lords Commissioners of the Admiralty, that the Secretary of State for India in Council entirely concurs in their Lordships' opinion, as expressed in your letter dated the 31st ultimo, (S.), that the steam-vessels to be constructed for the conveyance of troops to and from India, *viâ* Egypt, under the general scheme recently determined upon, should be propelled by screw.

I am, &c.

(signed) *T. G. Baring*.

— No. 20. —

(No. 091—506.)

The Under Secretary of State for War to the Under Secretary of State for India.

Sir,

War Office, 5 April 1864.

I AM directed by the Secretary of State for War, to acknowledge the receipt of your letter of the 22d ultimo, and to request that when the details for carrying out the India Reliefs, *viâ* the overland route, shall have been arranged, they may be communicated for the information of Earl de Grey.

I have, &c.

(signed) *Edward Lugard*.

— No. 21. —

The Under Secretary of State for India to Captain *Cruttenden*, late India Navy.

Sir,

India Office, 13 May 1864.

I AM directed to inform you that, in conformity with an arrangement made with the Lords Commissioners of the Admiralty, in connection with the new system of reliefs of troops between England and India, *viâ* Egypt, about to be organized,

organized, the Secretary of State for India in Council has been pleased to appoint you Assistant to the Director of Transports at a salary of 850 *l.* per annum, commencing from the 12th instant.

Your pension of 450 *l.* per annum, as an officer of the late Indian Navy, will remain in abeyance during such time as you may hold the appointment now conferred upon you.

I am to request that you will forthwith place yourself in communication with the Director of Transports.

I am, &c.
(signed) *Wodehouse.*

— No. 22. —

The Under Secretary of State for India to the Secretary to the Admiralty.

Sir,

India Office, 14 May 1864.

ADVERTING to the concluding paragraph of your letter, dated the 14th of March last (S.), I am directed to acquaint you, for the information of the Lords Commissioners of the Admiralty, that the Secretary of State for India in Council, has appointed Honorary Captain C. J. Cruttenden, of the late Indian Navy, to be Assistant to the Director of Transports, in the conduct of the business connected with the new system about to be organized for the conveyance of troops to and from India, *vid* Egypt, the appointment dating from the 12th instant.

Captain Cruttenden has been directed forthwith to place himself in communication with the Director of Transports.

I am, &c.
(signed) *Wodehouse.*

— No. 23. —

Captain *C. J. Cruttenden*, late Indian Navy, to the Under Secretary of State for India.

My Lord,

London, 19 May 1864.

I BEG to acknowledge the receipt of your letter of the 13th instant, informing me that the Secretary of State for India has been pleased to confer on me the appointment of Assistant to the Director of Transports at Somerset House, and to report that I have placed myself in communication with that officer as directed.

I have, &c.
(signed) *C. J. Cruttenden,*
Captain late Indian Navy.

— No. 24. —

(S.)

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 20 May 1864.

WITH reference to your letter of the 14th instant, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for India, that Captain Cruttenden has entered upon his duties in the Transport Department of this office.

I am, &c.
(signed) *W. G. Romaine.*

— No. 25. —

The Under Secretary of State for India to the Under Secretary of State for Foreign Affairs.

Sir,

India Office, 9 June 1864.

I AM directed by the Secretary of State for India in Council to request that you will acquaint Earl Russell that he has had under consideration a proposal for effecting the regular interchange of British troops between this country and India, by way of Egypt.

The adoption of this route has been strongly recommended both by the Indian Government, and by the military authorities at home; and Sir Charles Wood, in concurrence with his Royal Highness the Field Marshal Commanding-in-Chief, the Secretary of State for War, and the Lords Commissioners of the Admiralty, has determined upon arrangements under which the new system of reliefs may be commenced during the winter months of the year 1865-66.

It is intended that the troops shall be conveyed from this country to Alexandria, and from Suez to India in transports specially constructed for this service, so that troops embarked from either side will, after crossing the Isthmus of Suez, find a corresponding vessel waiting for them, on which they will be at once re-embarked for the continuation of their voyage.

It is hoped that there will thus be no delay, and that no necessity will arise (except in cases of severe illness) for the troops to remain any longer in Egypt than the time actually required for their passage across the Isthmus.

I am to request that you will move Earl Russell to cause such communications on this subject as he may deem necessary to be made to the Porte and to the Viceroy of Egypt, in order that their consent may be obtained to the proposed arrangements; Sir Charles Wood cannot anticipate that any objection will be raised either by the Porte or the Viceroy to the adoption in a more regular and systematic manner of a route for troops passing to and from India, which has already been made use of both for British troops and also for French troops proceeding to the East; but I am to add that Sir Charles Wood attaches much importance to this measure, which, in his opinion, will be of great advantage to the public service both upon political and financial grounds.

I am, &c.

(signed) Wodehouse.

— No. 26. —

(S.)

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 1 August 1864.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you the enclosed copy of an Admiralty Minute, dated 29th ultimo, respecting the proposed service for the conveyance of troops to and from India; and I am to request you will move the Secretary of State for India in Council to inform my Lords whether he concurs in the arrangements therein proposed, with a view to a representation being made to the Treasury accordingly.

I am, &c.

(signed) W. G. Romaine.

Enclosure to No. 26.

MINUTE.—29 July 1864.

MY Lords have had under their consideration the correspondence which has taken place since the early part of the year 1863, between the War Office, the India Office, and this Department, relative to the establishment of a Transport Service between England and India, *viâ* Suez, and to the manner in which the expense of that service is to be defrayed.

The correspondence between the India Office and the Admiralty proceeded on the assumption that the entire expense of the Indian Reliefs would be defrayed from Indian revenues,

revenues, but recently an arrangement has been made between the India Office and the War Office, under which the cost of relieving not more than a fixed number of regiments serving in India would be chargeable to India; the charge for any extraordinary reliefs not called for by the Indian Government being defrayed from Imperial revenues.

Having considered the reports of their officers, my Lords desire to bring under the notice of Lord de Grey and Sir Charles Wood the conclusions at which they have arrived on this subject.

My Lords express no opinion as to the policy of employing Government transport vessels for the conveyance of troops between England and Egypt.

The decision of that question rests entirely with the Indian Government, on whose responsibility it will be acted upon, and at whose charge it will be carried out. My Lords, indeed, do not doubt that the overland route may be adopted with advantage for the movement of troops, but they have not been invited to inquire, nor do they express an opinion as to what numbers should be annually so conveyed, or whether it would be better that a contract should be entered into for the service, or that a line of Government transport vessels should be established for it.

Sir Charles Wood proposes that the management of the Transport Service on both sides of the Isthmus should be placed under the Director of Transports, at Somerset House, an officer of the Indian Department being associated with him for that purpose, and that transports employed on this side Egypt should be Queen's vessels; those beyond Egypt being the property of and officered and manned by the Indian Government.

My Lords consent to this arrangement, and with the view of settling various points in connection with the organization of the service, they propose that a Committee be at once appointed consisting of—

The Director of Transports.

The Officer representing the India Office in the Transport Department.

Colonel Pocklington.

An Officer from the Financial Department of the India Office, and

An Officer from the Accountant-General of the Navy.

Among questions referred to them would be—

The organization along the route of coal depôts and water supply.

The hospital accommodation.

The system of manning and equipping the ships to be employed beyond the Isthmus.

The mooring-grounds and moorings.

The arrangements for the land transport, and the appointment of transport officers in Egypt.

The arrangement for the payment of the crews, and for supplies in Egypt, and

The additional staff required in the Transport Office, Somerset House.

The arrangements for the service in Egypt (including landing at Alexandria), and between Egypt and India, should be submitted from the Committee for the approval of the Secretary of State for India, the Admiralty taking no responsibility for their adoption or execution.

On the other hand, the arrangements for the service between England and Egypt should be submitted for the approval of the Admiralty.

With reference to the ordinary reliefs between this country and India, my Lords deem it necessary to state that they concur in the plan, upon the express condition that they will in no case be called upon to defray any portion of the charge out of Navy Votes.

Adverting to the proposed arrangement for extraordinary reliefs not properly chargeable to the revenue of India, and as to the probable extent of which my Lords have no information, they must stipulate that any portion of the expense incurred between Alexandria and India, or which may be defrayed in the first place out of Indian revenue, should be credited to India under the direction of the Treasury, and not form any charge on Naval Votes.

My Lords have no suggestions to offer with reference to the detail of the service beyond Egypt, which will be settled by the Indian Department. But with respect to this service on this side, they are of opinion that the requisite transports instead of being, as has hitherto been contemplated, built at the expense of the Imperial Government, should be paid for out of the revenues of India.

It appears that, for the service as intended to be at first carried out, two ships will be required; and that they would be employed during the three-fifths of the year on the Indian, and two-fifths on the Imperial Service.

From the tenders recently received, it is certain that they will cost at least 200,000 £. each.

The payments to the Imperial Government will be as follows:—

1. The India Department will be required to pay to the credit of Naval Votes the ascertained cost of the coal consumed, and of the provisions, messing, and bedding of the troops conveyed.

2. The wages and victualling of the officers and crews, while on Indian service, have been estimated at about 15,360 £. annually. This amount must be paid either into the Exchequer or to the credit of the Votes for Pay, and Victualling (Nos. 1 and 2).

3. If the ships are to be built at the expense of the Imperial Government, the India Department will be required to pay annually into the Exchequer three-fifths of the proper

per-centages on the original cost, for wear and tear, depreciation, and insurance. These may be taken at 8, 4, and 5 per cent. respectively.

4. If, however, the ships are to be built at the expense of the India Department and handed over to the Admiralty, with the understanding that as to insurance they are to be at the risk of the Indian Government, and that they may last 20 years, and will then have to be replaced at the cost of Indian Revenues, it would be right that the latter, instead of being debited with three-fifths, should be credited with two-fifths of the proper per-centages, for depreciation and insurance.

In the event of the latter arrangement being adopted the annual payment by the Indian Department (exclusive of the cost of coal and of provisions, &c. for the troops) would be 20,160 *l.*, as shown in the annexed memorandum. As, according to this plan no interest will be payable to the Indian Department for their original outlay, my Lords, on the other hand, do not deem it necessary to make any charge against India for the proportion of the dead weight of the Navy due to the Transport Department.

My Lords presume that the necessary agreement has been made with the Egyptian Government for the transit across the Isthmus, but of this they should be officially informed.

OVERLAND ROUTE.—MEDITERRANEAN SERVICE.

CHARGE to Indian Government for Working two Steam Vessels of about 4,000 Tons, and 800 Horse-power each, Value about 200,000 *l.* each. The Ships to be Purchased by the Indian Government, and that Government bearing all Sea-risk.

	£.
For wages and victuals - - - - -	15,360
For wear and tear (repairs) for three-fifths of the year, at 8 per cent. - -	19,200
Debit to Indian Government - - £.	34,560
LESS :	
Allowance by Imperial Government, depreciation, at 4 per cent. £.	
for two-fifths of the year - - - - -	6,400
Insurance, 5 per cent. - - - - -	8,000
	14,400
£.	20,160

— No. 27. —

(S.)

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 5 September 1864.

WITH reference to former correspondence, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for India, that they have called for tenders for the construction of the transports required to carry out the arrangements for the relief of the troops in India, *viâ* Alexandria; but my Lords are unable to make any contract until they have received an answer to their letter of the 1st August, in which they requested to be informed whether Sir Charles Wood concurred in the proposed arrangements between the India Office and this Department.

It is necessary that the periods and terms of payments to be made to the builders should be specified in the contract; and it is especially with reference to this point that my Lords are now anxious to obtain the concurrence of Sir Charles Wood.

I am, &c.

(signed) *W. G. Romaine*.

— No. 28. —

The Assistant Under Secretary of State for India to the Secretary to the Admiralty.

Sir,

India Office, 12 September 1864.

IN answer to your letter of the 5th of this month, acquainting me, for the information of the Secretary of State for India, that they have called for tenders for the transports required for the relief of the troops in India *viâ* Alexandria, I am

am directed by Sir Charles Wood to express his hope that the Lords Commissioners of the Admiralty will postpone any further action in this matter until he has had an opportunity of more fully considering it in Council.

I am, &c.
(signed) *J. Cosmo Melvill.*

— No. 29. —

(S.)

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 12th September 1864.

WITH reference to previous correspondence, I am commanded by my Lords Commissioners of the Admiralty to request you will state to the Secretary of State for India in Council, that my Lords have received tenders for building the Indian Troop Transports; and, including engines, the cost may be considered as under 200,000 *l.* for each ship; the necessary time for completion being 20 months. My Lords desire to draw the attention of Sir Charles Wood to these facts, and request an early answer may be given to the question, of the mode of payment for these vessels, raised in my letter of the 5th instant, as no tender can be accepted until this is settled.

I am, &c.
(signed) *W. G. Romaine.*

— No. 30. —

(S.)

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 23 September 1864.

WITH reference to my letter of the 12th instant, respecting the cost of the vessels proposed to be constructed for the India Troop Transport Service, I am commanded by my Lords Commissioners of the Admiralty to request you will lay before Secretary Sir Charles Wood the accompanying copy of a Report from the Director of Transport Services, enclosing an estimate of the expense of conveying such numbers of troops as can be conveyed by the overland route in five steamers, costing 200,000 *l.* each, as compared with the cost of conveying the same number of troops in sailing ships *vid* the Cape of Good Hope.

I am, &c.
(signed) *W. G. Romaine.*

Enclosure to No. 30.

(No. 223.)

India Troop Service.—Estimate of Comparative Cost.

Admiralty, Somerset House, 22 September 1864.

I HAVE the honour to enclose, for the information of their Lordships and the Secretary of State for India, an estimate showing the comparative cost of the conveyance of such numbers of troops as can be conveyed by the overland route in five steamers of the estimated cost of 200,000 *l.* each, and that of conveying the same numbers in sailing ships *vid* the Cape; also copy of a Report by myself and the Secretary of the Marine Department for India upon the examination of the items upon which the estimate was prepared.

2. It is to be observed that a new element has been taken into account on the part of India, as per accompanying memorandum, viz., interest at 5 per cent. on the capital outlay, amounting to 46,359 *l.*, notwithstanding which, and the short life allowed to the steamers, viz., 25 years, there still remains a considerable balance of saving upon the overland over the Cape route.

3. It is to be further observed that if interest is to weigh in this estimate, it should equally be taken into account in computing the sums required for replacement of capital and insurance, by which the addition of 46,359 *l.* would be reduced to 10,367 *l.*

(signed) *W. R. Mends,*
Director of Transport Services.

INDIAN RELIEFS.

OVERLAND ROUTE.

ESTIMATE of the Cost of Conveying the following Detail between England and Bombay in Five Steam Vessels (Two in Mediterranean and Three on Indian Side), each of 4,000 Tons and 800 Horse-power, costing £. 200,000.

	Officers.	Men.	Women.	Children.	TOTAL.	Adults.
Out - - - -	334	7,200	863	1,246	9,643	9,020
Home - - - -	280	7,200	470	705	8,655	8,303
TOTAL - - -	614	14,400	1,333	1,951	18,298	17,323

	European Side.	Indian Side.	TOTAL.
Expenses of Vessels, £. 87,273 :	£.	£.	£.
Wages and Victuals of Crews of 5 Vessels - - - - -	15,360	*22,435	37,795
" " " of Tugs - - - - -	600	600	1,200
Wear and Tear (Repairs) of 5 Vessels - - - - -	19,200	28,800	48,000
" " " of Tugs - - - - -	139	139	278
Expenses of Voyages, £. 139,916 :			
Coals for 5 Steamers - - - - -	22,080	65,280	87,360
" for Tugs - - - - -	56	144	200
Mess of Officers - - - - -	3,392	5,833	9,225
Victualling of Troops (including Medical Comforts) - - - - -	13,080	17,541	30,621
Bedding for Troops - - - - -	6,255	6,255	12,510
	£. 80,162	147,027	227,189
Expense of Transit - - - - -	£. 40,730	- - - - -	40,730
" of Management at } Home and Abroad - - - - -	10,000	- - - - -	10,000
£. 277,919	TOTAL Working Expenses, or } £. 16. - 10. per Adult - - - - -		£. 277,919

CAPITAL and INSURANCE ACCOUNT.

		—	TOTAL.
Replacement of Capital in 25 years - - -	European Side, 4 per cent. for a year on 400,000 £. - - -	£. 16,000	£.
Which is too short a period, the length of time which well-built iron ships will last being unknown; some which have been at work for 30 years being in perfect condition. W. R. M.	Abate :—To be paid by Imperial Government for two-fifths of the year.	6,400	
	Indian Side, 4 per cent. for a year on 600,000 £. - - -	9,600	
	Tugs and Boats - ditto - 5,800 £. - - -	24,000	
		232	33,832
Insurance (i. e., Sea risk) {	European Side, 5 per cent. for a year on 400,000 £. - - -	20,000	
	Abate :—To be paid by Imperial Government for two-fifths of the year.	8,000	
	Indian Side, 5 per cent. for three-fifths of a year on 600,000 £. -	12,000	
		18,000	30,000
		£.	63,832
	Working Expenses - - - - -	- - - - -	277,919
	Capital and Insurance - - - - -	- - - - -	63,832
	£. 19. 14. 7. per head - - - - -	- - - - -	£. 341,751

* Should the Indian ships not be employed on either Imperial or Indian service during the remaining two-fifths of the year, there will be a further charge of 14,957 £. (Total annual charge of 37,392 £.)

INDIAN RELIEFS.

CAPE ROUTE.

ESTIMATE of the Cost of Conveying the Detail, as per opposite page, between England and India, in Sailing Freight Ships, *via* the Cape of Good Hope.

		Amount of Rates Paid in 1863-64.
Freight:	£.	£.
To India of - - 8,686 adults, at 10 l. 1 s. 5 d. - - -	87,475	
From India of - - 8,022 „ 28 l. 6 s. 4 d. - - -	227,156	
Passage of Officers:		314,631
For Officers - - 334 outwards, at 100 l. 9 s. 6 d. - - -	33,559	
„ - - 280 homewards, at 127 l. 2 s. 10 d. - - -	35,600	
TOTAL - - - 17,322		69,159
Medical Comforts:		
For 17,684 Men, Women, and Children - - - - -	- - -	5,821
Bedding:		
For 17,684 Men, Women, and Children - - - - -	11,519	
Abate:		
10 per cent. for proceeds of Sale of old Bedding - - -	1,152	
		10,367
TOTAL Expenses of Conveyance, or 23 l. 1 s. 9 d. per Adult - £.		399,978

ESTIMATED SAVING by Adoption of OVERLAND ROUTE.

		Amount of Saving.
	£.	£.
Expense of Cape Route - - - - -	399,978	
„ Overland Route - - - - -	277,919	
		122,059
Pay of Officers and Men at average rate per Army Estimate, 1863-64:		
Cape Route† - - - - -	105,992	
Overland Route - - - - -	29,979	
Saving on Pay - - - - -	76,013	
Less charge for replacement of Capital, and for Insurance -	63,832	
		12,181
Saving to Indian Government - £.		134,240

† These rates are irrespective of the increased amount of the Indian Pay, which commences on embarkation.

Enclosure 3 to No. 30.

REPORT by the Director of Transport Services at the Admiralty and the Secretary of the Marine and Transport Department of the India Office, alluded to in the foregoing Report; dated 22d September 1864.

21 September 1864.

IN pursuance of the wishes of Sir Charles Wood, Mr. Mason, Secretary of the Marine Department of the India Office, and myself have gone very closely into an examination of the estimate prepared in this Department (copy of which is annexed) for the conveyance of troops by the Overland Route, as compared with the cost of the same numbers *viâ* the Cape of Good Hope, prepared by Mr. Mason at the India Office, from the last complete season of 1863-64, and find that there is a considerable saving upon the former, taking into consideration the working expenses of either route, and the charges upon capital for the Overland Route.

(signed) *W. R. Mends,*
Director of Transports, Admiralty.

J. C. Mason,
Secretary, Marine and Transport
Department, India Office.

MEMORANDUM referred to in the Report of the Director of Transport Services; dated the 22d September 1864, para. 2.

OVERLAND ROUTE.

The additional charges suggested by Mr. Mason are as follows:—

	£.
Interest on capital at 5 per cent. - - - - -	44,325
Additional charge for replacement of capital, upon the value of tugs and boats, and upon the cost of sending out the three Indian ships to their stations, and for insurance of tugs - - - - -	2,034
	£. 46,359

But if interest is to be taken into account at all it is right it should appear on both sides of the estimate, and where provision is made to meet the depreciation of the vessels, insurance should be only upon their average value.

The suggested additions would thus show, instead of 46,359 £.
an increase of only - - - - - £. 10,367

The addition of 10,367 £. would bring the total charge for the Overland Route to 352,118 £., equal to 20 £. 6 s. 6 d. per adult.

— No. 31. —

The Under Secretary of State for India, to the Secretary, Admiralty,
Whitehall.

Sir,

India Office, 30 September 1864.

I HAVE to acknowledge the receipt of your letter of the 1st ultimo, with copies of an Admiralty Minute, dated the 29th of July 1864, and of a Memorandum annexed to it, respecting the proposed transport service for the conveyance of Her Majesty's troops between England and India *viâ* Egypt, upon which a correspondence has already taken place between this office and the Admiralty; and I am directed to apprise you, for the information of the Lords Commissioners of the Admiralty, that the whole subject has been carefully considered by the Secretary of State for India in Council, and to communicate to you the following observations in reply to the Admiralty Minute.

An arrangement was proposed on the 4th of March last by the Secretary of State in Council, and agreed to by their Lordships on the 14th of that month, to the following effect, viz.:—The interchange of troops between this country and
India

India was to be effected by means of the Overland Route across Egypt instead of by the long sea passage round the Cape of Good Hope, and a service was to be organised for carrying out the proposed overland transport, in which two steam-ships on the Mediterranean and three steam-ships on the Indian side of the Isthmus of Suez were to be constantly running during the period of the transmission of the troops; say, for seven months, or three-fifths of each year; and to commence about September 1865.

The management of the proposed service on both sides of the Isthmus was to be placed under the superintendence of the Director of Transports at Somerset House, in order to secure complete unity of control over the executive portion of the service, an assistant being given to him who would represent the India Office, and whose salary was to be defrayed out of the Indian revenue; and it was agreed that the steam-ships employed on this side Egypt should be ships of the Royal Navy, those beyond Egypt being the property of and officered and manned by the Indian Government. The principle upon which this service was to be paid for was also agreed upon, a few details only being left for future determination.

In accordance with this arrangement, the Secretary of State in Council has appointed Captain Cruttenden (late of the Indian Navy) to be the assistant to the director of transports; and the Lords of the Admiralty, by their present Minute, confirm the arrangement in all respects excepting in one important particular, for they now state, in regard to the service on this side, that they are of opinion that the requisite transport ships instead of being, as has hitherto been contemplated, built at the expense of the Imperial Government, should be paid for out of the revenues of India.

Sir Charles Wood will not object to this change of the arrangement, although he still thinks that, in principle, the proposal which he made was the best. The effect of the arrangement, as altered, will, of course, be to increase the capital sum to be expended from the revenues of India; but if a corresponding reduction be made in the annual payment from that source the financial result will be substantially the same.

It is, however, with some surprise as well as disappointment that the Secretary of State in Council has learnt that vessels of a description fitted for this service (of about 4,000 tons, and 800 horse power) will cost not less than 200,000 *l.* each instead of 111,000 *l.* as he had been led to expect. This will necessarily lead to a considerable increase in the charge for the service.

As, however, the advantages of the route through Egypt are believed by Her Majesty's Government to be of great importance, and the adoption of this route has been strongly recommended by the Governments of India and of Bombay, by his Royal Highness the Field Marshal Commanding in Chief, and by the Secretary of State for War, Sir Charles Wood is prepared to incur the additional expense for the construction of the requisite transport steamers.

In consequence of the charge of the first cost of the vessels to be employed on this side Egypt being transferred from the Imperial Government to the office of the Secretary of State for India, a change will of course be necessary in the annual payment for the proposed Overland Transport Service, and Sir Charles Wood proposes the following arrangement:—

The steam transports to be employed between this country and Alexandria will, like those employed on the other side, be purchased by and be the property of the Indian Government; but the two employed on this side will be handed over to the Lords of the Admiralty, who shall keep them in thorough repair in hulls, stores, and machinery (the expense thereof being defrayed in the manner hereinafter pointed out), and to be employed under their Lordships' orders during three-fifths of the year on the Indian, and two-fifths on the Imperial service. The Admiralty Minute proposes that, in respect of the service to be performed by them on this basis, the India Office should pay to the credit of naval votes the ascertained cost of the coal consumed, and of the messing provisions and bedding of the officers and troops conveyed between England and Alexandria, and should also pay either into the Exchequer or to the credit of the votes for pay and victualling, the wages and victualling of the officers and crews of the vessels while on Indian service, these being estimated at about 15,360 *l.* annually; and it further proposes that the India Office should pay annually into the Exchequer three-fifths of the proper per-centage (8 per cent.) on the original

cost of the steam-vessels for "wear and tear," but that on the other hand this office should be credited with two-fifths of the proper per-centages on such cost, for "depreciation 4 per cent.," and for "insurance 5 per cent.," which would make the payment by this office amount to 20,160 *l.* per annum, exclusive of the cost of coals, and of the messing and victualling of the troops.

The Secretary of State in Council agrees to these conditions, and the amount which the Imperial Government will charge to the Government of India may be estimated as follows:—

For wages and victuals of crews - - - - -	£.	15,360
For wear and tear (repairs) for three-fifths of the year, at 8 per cent. - - - - -		19,200
Debit to Indian Government - - - - -		34,560
Less, Allowance by the Imperial Government:		
"Depreciation," at 4 per cent. for two-fifths of the year - - - - -	£.	6,400
"Insurance," at 5 per cent. on vessels for two-fifths of the year - - - - -		8,000
		14,400
Amounting yearly to - - - - -	£.	20,160

being equal to 1,260 *l.* per trip for the 16 trips to be performed in the year, which the Secretary of State in Council is prepared to pay in such manner as may be deemed the most appropriate by the Lords of the Treasury, beyond reimbursing the Admiralty the ascertained cost of coal consumed, and of the provisions, &c. for the officers and troops conveyed.

The Secretary of State in Council concurs in the proposal of their Lordships that a committee of five officers should be at once appointed to settle various points in connection with the organisation of the Overland Route Service, and he has appointed Mr. John Charles Mason, the Secretary in the Marine and Transport Department of this office, to be one of the five members of that committee. The questions to be referred for their consideration and report in the manner pointed out by the Admiralty Minute, appear generally proper, but the committee must be restricted from re-opening or interfering in any way with the arrangement agreed upon (as already stated) between the Secretary of State in Council and the Lords of the Admiralty, in respect of the payment for the service itself.

The Earl Russell has been requested to effect an arrangement with the Porte and the Viceroy of Egypt for securing the transit of the troops across the Isthmus of Suez; and when that arrangement is complete it shall be communicated to you for the information of the Lords of the Admiralty.

The Admiralty Minute refers to the number of troops to be annually relieved, to an arrangement with the War Office as to the payment to be made from Indian revenues not exceeding the cost of moving a fixed number of regiments between England and India, to certain charges not being placed on the Navy Votes, and to the repayment of sums originally paid by the India Government in respect of services performed upon the other side of the Isthmus of Suez.

With regard to the first point, the Secretary of State would observe that the number of troops to be maintained in India must be determined by the Secretary of State for India in Council, and that the number to be relieved in each year depends upon the number to be permanently kept in India, and the charge of these reliefs necessarily falls upon the Government of India.

In one or two cases the military authorities in this country have proposed, and may propose again, arrangements in respect of moving troops for the convenience of this country; and Sir Charles Wood has intimated his readiness to concur in any such arrangements, provided only that no additional expense is thrown upon the revenues of India.

The

The expenses of arrangements for the convenience of this country are properly to be defrayed by this country; and Sir Charles Wood was under the impression that all charges for the conveyance of troops on account of this country were defrayed from naval votes. It is, of course, perfectly immaterial to the Secretary of State for India in what way payments on Imperial account may be made. He is perfectly ready to pay in any manner which may be determined upon by the Treasury, the Admiralty, and the War Office, any sums which are properly chargeable on Indian revenues, and he does not feel it to be within his competence to say in what manner expenses chargeable on the revenue of this country shall be provided for.

The same remarks apply to some other observations of the Lords of the Admiralty. They have signified their concurrence in the plan with respect to the ordinary reliefs, upon the express condition that they will in no case be called upon to defray any portion of the charge out of Navy Votes, a condition which appears not quite consistent with their stipulation (2) in the Admiralty Minute as to payments. They also propose that any portion of the expenses incurred between Alexandria and India, or which may be defrayed in the first instance out of Indian revenues, should be credited to India, and not form any charge upon naval votes.

With regard to all these questions, or any other which may arise as to the mode of payment of sums chargeable to Indian revenue, Sir Charles Wood is of opinion that it must rest between the Treasury and the Admiralty to say how payment ought to be made; the Secretary of State in Council is prepared to pay such sums as are due from him, in any way they may determine upon.

I am, &c.
(signed) *Gerald N. Dillon,*
pro Under Secretary of State.

(S.)

— No. 32. —

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 4 October 1864.

WITH reference to your letter of the 30th ultimo, I am commanded by my Lords Commissioners of the Admiralty to request you will lay before the Secretary of State for India in Council the accompanying Tenders for the construction of the ships and their engines for the India Troop Transport Service, together with a Report from the Controller of the Navy, suggesting the acceptance of the tenders of the Thames Iron Ship Building Company, Messrs. Napier, Messrs. Palmer, Mr. Lungley, and Messrs. Laird, for the hulls of the five ships, and the tenders of Messrs. Humphry, Messrs. Maudslay, Messrs. Laird, and Messrs. Napier, for the engines, subject to the conditions specified by the Controller.

My Lords approve of the course proposed by the Controller, and on receiving an intimation of the concurrence of Sir Charles Wood, the necessary directions will be given for the acceptance of the tenders and preparation of the contracts accordingly.

I am, &c.
(signed) *W. G. Romaine.*

P.S.—The accompanying documents being in original, it is requested that they be returned to this office.

(S.)

— No. 33. —

Lord *Clarence Paget*, c.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 10 October 1864.

WITH reference to that part of your letter of the 30th ultimo wherein the Secretary of State for India in Council expresses surprise and disappointment that the price demanded for the vessels fitted for the India Troop Relief Transport Service exceeds what he had been led to expect, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith a copy of an explanation from the Director of Transport Services, as to the cause of the estimates of these vessels having been so much lower than the prices named in the tenders.

6 October,
No. 242.

I am, &c.
(signed) *C. Paget*.

Enclosure to No. 33.

(No. 242.)

From the Director of Transport Services to the Secretary of the Admiralty.

Admiralty, Somerset House, W.C., 6 October 1864.

WITH reference to that portion of the India Office letter of the 30th ultimo wherein the Secretary of State for India in Council expresses surprise and disappointment that the cost of the vessels fitted for the service exceeds what he had been led to expect, I think it right that I should offer special explanation to their Lordships on this head, as the first estimate framed in this department showed the cost of the vessels at 111,000 £, whilst by the tenders received the cost will be about 200,000 £.

2. I was originally called upon to report the estimated cost of effecting the interchange of troops between England and India *via* Egypt, the ports in India being Calcutta, Madras, Bombay, and Kurrachee, and the number of the steamers it would require for the service. In that estimate of June 1863 for the employment of nine steamers I took as the standard for cost, that of the two last constructed ships, viz., "Orontes" and "Tamar," assuming that being so recently built they were perfect and suitable troop ships. I also took what the "Himalaya" had actually cost the Government as the data for wear and tear.

3. Subsequent to the preparation of that estimate, I was directed by the Board to examine and report upon the "Tamar" as a troop ship; this led to my looking closely into the adaptability of those vessels for the Indian troop service, and I found them wholly unsuited for it. I followed up the investigation by an examination of the capabilities and arrangements of the "Himalaya," and some of the best steamers of the principal Companies.

4. The internal arrangements of the "Himalaya" as a troop ship were found to be extremely faulty, being, as her captain justly expressed it, "a makeshift," though as a steam-ship she appears in all respects perfect. Among the vessels of the various Companies I found some fine ships, but none fulfilled, in my opinion, the requirements for the India Troop Service.

5. Whilst drawing up the details and requirements for the proposed troop ships, a high speed was repeatedly and I think wisely pressed upon my attention by the Under Secretary of State for India, with whom I was in constant communication on the subject. As the service has to be completed in six months, it became necessary to ensure punctuality in the performance of the voyages, which could only be attained by the ships having full steam power for the tonnage; now, as the ships must be large for the numbers they will have to convey, if they had small power they never would be regular, whilst boilers and engines would be at a perpetual strain, to their serious detriment.

6. On referring to the Controller of the Navy, he stated that the vessels should be capable of carrying 13 days' fuel for a rate of 14 knots, which rate will enable them to give a fair average of from 8 to 10 knots.

7. If troops are to be carried, as in my opinion they ought to be, to and from India with due regard to their health and efficiency, and as I am sure the Secretary of State for India in Council would desire to see them carried, it would not be advisable to forego one of the requirements which I placed in the hands of the Controller of the Navy, after having given them the most careful consideration, aided by an experienced

experienced Indian naval officer and the Assistant Quartermaster General, an officer who has seen very much of troop service afloat.

8. Some of these requirements being unusual, such as double bottom (the expediency of which cannot be gainsaid for iron troop ships), iron masts, superior ventilation, and large engine and fuel space, may possibly have led to the high price to be paid for the construction; but I feel certain that the Secretary of State for India in Council will never have cause to regret having placed efficient ships on such a service.

(signed) *W. R. Mends,*
Director of Transport Services.

(S.)

— No. 34. —

Lord *Clarence Paget*, c.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 11 October 1864.

WITH reference to former correspondence respecting transports for carrying out the Indian Troop Relief Service, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for India in Council, that it will be necessary to send one ship-building officer, and one boiler-maker, to oversee the construction of each of the five ships; and in the case of the ship to be built by Messrs. Palmer, at Jarrow, supposing the tender of that firm to be accepted, their Lordships are of opinion that an additional boiler-maker (making two in number for that place) will be requisite to exercise a proper oversight of the work, the Tyne work requiring more care than that of the Thames, the Mersey, or the Clyde, in order to bring it up to the standard of excellence insisted upon in the building of Her Majesty's ships. The salary and allowances of each ship-building officer will be from 300 *l.* to 350 *l.* per annum, and those of each boiler-maker about 180 *l.* per annum. The total salaries and allowances for the overseers of the five ships (if two boiler-makers are sent to Jarrow) will be about 2,580 *l.* to 2,730 *l.*, which will probably be brought up to about 3,000 *l.* by incidental expenses.

In order to build these ships quickly, without sacrificing efficiency in any way, much of necessity remains to be done in working out the details of the hulls and fittings, and this can only be done properly by devoting a thoroughly competent ship-building officer to the work.

It will be impossible to have the new principle of construction which is embodied in the double bottom, &c. of the troop-ship design carried out fully, and with dispatch, if the supervision is left to the present staff of assistants attached to the ship-building department of this office, or to the inspector of Admiralty contract work, all of whom are at present fully employed; and in order to carry out the wishes of the Secretary of State for India as regards the completion of these vessels early in 1866, my Lords are of opinion that the services of the assistant master shipwright of one of Her Majesty's dockyards would be required. The salary of such an officer is from 700 *l.* to 750 *l.* per annum, and this sum would be subject to a further increase of about 100 *l.* to 200 *l.* a year, on account of travelling expenses incurred in going frequently from ship to ship, and as much more as remuneration for a draughtsman, whom he would require.

The whole of this service of supervision would entail an expenditure of from 3,000 *l.* to 4,000 *l.* per annum; but considering that the time that would be required would only be one year and a half, and the magnitude of the contract work to be inspected, involving an expenditure of about 750,000 *l.*, my Lords are of opinion that such an outlay would be necessary, and would be borne of course by the Indian Department.

I am, &c.
(signed) *C. Paget.*

(S.)

— No. 35. —

W. G. Romaine, Esq., c.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 19 October 1864.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Secretary of State for India in Council, copies of the estimate prepared in this department of the comparative cost to the India Government of the route to and from India, *viâ* the Cape of Good Hope, and of the proposed route across the Isthmus of Suez, with regard to the relief of troops in India.

I am, &c.
(signed). W. G. Romaine.

Enclosure to No. 35.

Transport Department, September 1864.

INDIA RELIEFS—OVERLAND.

COMPARATIVE COST to the India Government of the Route to and from India, *viâ* the Cape of Good Hope, and of the proposed Route across the Isthmus of Suez.

ESTIMATED CAPITAL required for carrying out the OVERLAND ROUTE, on which the Charges for Redemption of Capital, Interest, and Insurance, have been computed.

PARTICULARS.	Amount.
	£.
Two ships for service in the Mediterranean - - -	400,000
Three ditto for India - - - - -	600,000
Expense of navigating the three India ships to their stations, being for wear and tear, wages and victuals, and coals -	40,700
Two tug vessels, at 2,000 £. each - - - - -	4,000
Twelve boats, at 150 £. each - - - - -	1,800
	£. 1,046,500

NUMBERS to be conveyed in the above Five Vessels.

	Officers.	Men.	Women.	Children.	TOTAL.	
					Individuals.	Adults.
Outwards - - -	334	7,290	863	1,246	9,643	9,020
Homewards - - -	280	7,200	470	705	8,655	8,303
TOTALS - - -	614	14,400	1,333	1,951	18,298	17,323

INDIAN RELIEFS.—OVERLAND, and *viâ* the CAPE OF GOOD HOPE.

DETAILS of the ESTIMATES prepared in the Transport Department of the Expense of the Overland and Cape Routes between England and India, including the Sums chargeable to the Expense of the Overland Route, for Replacement of Capital to be expended in the Purchase of Ships, &c., and the Average Annual Amounts of Interest and Insurance upon the unredeemed portion of such Capital.

Reference to Explanations at Pages 50 and 51.	PARTICULARS.	Overland Route.	Cape Route.
		£.	£.
A.	Total expense of Cape route - £. 399,978		
	Freight of men, women, and children outward, at 10 <i>l.</i> 1 <i>s.</i> 5 <i>d.</i> per adult - - - -	- -	87,475
	- ditto - ditto - homeward, at 28 <i>l.</i> 6 <i>s.</i> 4 <i>d.</i> per adult - - - -	- -	227,156
	Passage of officers, outward, at 100 <i>l.</i> 9 <i>s.</i> 6 <i>d.</i> - - - -	- -	33,559
	- ditto - ditto - homeward, at 127 <i>l.</i> 2 <i>s.</i> 10 <i>d.</i> - - - -	- -	35,600
	Medical comforts - - - - -	- -	5,821
a.	Bedding - - - - -	12,510	10,367
B.	Wear and tear - - - - -	*48,000	—
C.	Wages and victuals - - - - -	*37,795	—
D.	Coals - - - - -	87,360	—
E.	Mess of military officers - - - - -	9,225	—
F.	Victualling of men, women, and children - - - - -	30,621	—
G.	Wages and victuals, wear and tear, and coals for tugs - - - - -	1,678	—
H.	Annual charge for replacement of capital (1,046,500 <i>l.</i>) in 25 years - - - - -	35,460	—
J.	Charges upon capital and insurance account - £. 74,199		
	Average interest upon amount of unredeemed capital, at 5 per cent. - - - - -	23,049	—
K.	Insurance upon the average value of ships, tugs, and boats, at 5 per cent. per annum - - - - -	15,690	—
L.	Transit of the Isthmus - - - - -	40,730	—
M.	Additional charges £. 50,730		
	Expense of management - - - - -	10,000	—
	Total Cost { Average per adult 20 <i>l.</i> 6 <i>s.</i> 6 <i>d.</i> - - - - -	352,118	—
	- ditto - 23 <i>l.</i> 1 <i>s.</i> 9 <i>d.</i> - - - - -	- -	399,978
N.	Deduct—Saving in the pay of military officers and troops, after abating their contributions for mess and victualling - - - - -	76,013	—
	Net comparative cost of Overland and Cape routes - - - - -	276,105	399,978
		£. s. d.	£. s. d.
	Per adult - - - - -	15 18 9	23 1 9
	Difference, per adult, in favour of Overland route - - - - -	£. s. d.	7 3 -

* See Note at page 51.

COMPUTATION of CHARGES for CAPITAL and INSURANCE, the former borrowed at 5 per Cent, and redeemable in 25 years: as inserted in the foregoing Estimate.

	For Redemption of Capital.		For Interest on Unredeemed Capital.		For Insurance on Unredeemed Capital expended in Ships, Tugs, and Boats (excluding the Cost of sending Ships to their Stations) in India.	
	Mediterranean.	India.	Mediterranean.	India.	Mediterranean.	India.
	£.	£.	£.	£.	£.	£.
Apportionment of capital between Mediterranean and India services - }	400,000	646,500	400,000	646,500	400,000	605,800
£.	1,046,500		1,046,500		1,005,800	
Average annual amount of unredeemed capital chargeable with interest and insurance respectively - - - }	- -	- -	208,000	336,180	208,000	315,016
Average annual charge for redemption, interest, and insurance - - - }	16,000	25,860	10,400	16,809	10,400	15,750
Abate two-fifths not chargeable to India transport - - - }	* 6,400	- -	* 4,160	- -	* 4,160	6,300
Net amount chargeable to cost of India transport service, and included in estimate - - - - }	9,600	25,860	6,240	16,809	6,240	9,450
£.	35,460		23,049		15,690	

* See Note at page 51.

EXPLANATIONS.

(A.) The rates at which the expenses of the Cape route have been computed were obtained from information furnished by the Secretary of the Marine Department, India Office, derived from the engagements for freight to and from India in 1863-4, and from calculations made at the India Office of the cost of medical comforts and bedding, one-tenth being allowed for the latter when returned for proceeds of sale.

(a.) Calculated at the cost of a full set of bedding for the whole numbers proceeding outwards, and for the remainder as washed bedding, one-third allowed for the quantity returned.

(B.) Calculated on the value of the ships, 1,000,000 £., at 8 per cent. per annum for three-fifths of a year.

(C.) Calculated at the cost of Her Majesty's ship "Himalaya" for the Mediterranean ships, and for the Indian ships upon a scheme of complement, adding 40 per cent. to the naval rates of pay for the European portion of the crew, and at 1£. 11s. 10d. per man per month for the natives, the victualling at 1 s. per day for the Europeans, and 6 d. per day for the natives, for three-fifths of the year.

(D.) Calculated at 23 s. per ton for the Mediterranean ships, and at 3 £. per ton for those employed in India.

(E.) Calculated at 6 s. 6 d. per head per day in the Mediterranean, and 10 s. per head per day in India.

(F.) Calculated at the estimated average rates, which include cost of provisions, tenths, necessary

necessary money, medical comforts, and 4 per cent. for losses, with an addition of 20 per cent. for increased cost in India.

(G.) Calculated at an assumed cost for wages and victuals, and for other items at the same rates as for the ships, for three-fifths of the year.

(H.) The actual annual amount requisite to replace the capital in 25 years (4 per cent. per annum), for three-fifths of the year, for the Mediterranean ships, and five-fifths for the Indian ships, tugs, &c.

(J.) } As stated at page 49 { For three-fifths of the year for the Mediterranean ships, and
(K.) } { five-fifths for the Indian ships, tugs, &c. for interest, and
 { for three-fifths of the year in the case of insurance.

(L.) At the rates paid by the French Government, with an addition to provide for conveyance of an increased quantity of baggage.

(M.) An assumed sum.

(N.) The pay calculated at the average rate for officers and men, as per Army Estimates for 1864-65, for such troops as are liable to serve in India.

N.B.—The expenses for two-fifths of the year, on account of the Mediterranean ships, as at B., C., H., K., will be borne by the Imperial Government.

REMARKS.

No credit has been taken for the conveyance of troops in the three vessels proceeding to their stations in India, on account of which 40,700 *l.* has been added to the cost of ships, page 48; and they will probably be so utilised. The saving in pay of the troops also, at N., page 49, will be considerably greater than there shown, as the calculation has been made upon the ordinary rates of pay, instead of at the higher rates to which they are entitled for service in India, which higher rates there are no present means of ascertaining.

(signed) *W. R. Mends,*
Director of Transports.

NOTE.

THE following arrangement has been agreed to between the Board of Admiralty and the Secretary of State for India, with reference to the undermentioned expenses of the two Mediterranean ships:—

India to be Charged :	£.	£.
For the wages and victuals of the crews for three-fifths of the year (included in 37,795 l. at page 49)	15,360	
For wear and tear of the ships for three-fifths of the year (included in 48,000 l. at page 49) -	19,200	
		34,560
To be Paid to India by the Imperial Government :		
For "depreciation," for two-fifths of the year (see page 50) - - - - -	6,400	
For insurance, for two-fifths of the year, on the whole capital employed (see page 50) - - -	8,000	
		* 14,400
Amounting Yearly to - - - £.		20,160

* Interest has not been considered in the computation of charges between the Governments.

— No. 36. —

A. H. Layard, Esq., Under Secretary of State for Foreign Affairs, to the Under Secretary of State for India.

Sir,

Foreign Office, 20 October 1864.

WITH reference to your letter of the 9th June last, I am directed by Earl Russell to transmit to you for the information of Her Majesty's Secretary of State for India the accompanying copies of a Despatch and its enclosure from Her Majesty's Chargé d'Affaires at Constantinople, reporting the willingness of the Turkish Government to facilitate the passage of British troops across Egypt on their way to and from India.

I am, &c.
(signed) *A. H. Layard.*

Enclosures to No. 36.

(No. 35.)

The Honourable *W. Stuart* to Earl *Russell*, K.G., the Secretary of State for Foreign Affairs.

My Lord,

Therapia, 6 October 1864.

WITH reference to your Lordship's Despatch to Sir H. Bulwer, No. 174, of the 15th June last, I have the honour to enclose herewith a copy of a note which I have received from Aali Pasha, stating that the Sublime Porte, being desirous of showing the value which it attaches to the relations so happily existing between Great Britain and Turkey, will be happy to facilitate in every possible manner the passage of British troops across Egypt on their way to and from India on all occasions on which Her Majesty's Government shall apply to it for that purpose.

I have, &c.
(signed) *W. Stuart.*

From *Aali Pasha* to the Hon. *W. Stuart*.

Sublimé Porte, Ministre des Affaires Etrangères.

Monsieur le Chargé d'Affaires,

Le 5 Octobre 1864.

J'AI reçu en son temps la note que l'Ambassade de S. M. Britannique m'a fait l'honneur de m'adresser en date du 27 Juin, No. 58, relativement au transport à travers l'Egypte des troupes Anglaises en destination des Indes.

Je crois superflu de dire ici, M. le Chargé d'Affaires, combien la Sublime Porte s'estime heureuse de saisir toutes les occasions pour donner des preuves irrécusables du haut prix qu'elle attache aux rapports heureusement existants entre elle et la Grande Bretagne. C'est donc en conformité de ce principe que j'ai l'honneur de vous annoncer que le Gouvernement de S. M. Impériale le Sultan se trouve disposé ainsi qu'il la fait jusqu'à présent à prêter dans la circonstance dont il s'agit son concours amical au Gouvernement de S. M. la Reine, et à lui procurer de la façon la plus prompte toutes les facilités nécessaires dans la traversée par l'Egypte des troupes royales toutes les fois qu'il en ferait spécialement la demande.

Je suis convaincu, Monsieur le Chargé d'Affaires, que le Gouvernement de S. M. Britannique trouvera sa demande justement satisfaite pour cette déclaration, et écoutera toute proposition tendant à atteindre le même but d'une manière qui ne se concilierait pas avec les exigences de la situation.

Agréez, M. le Chargé d'Affaires, &c.

(signed) *Aali.*

— No. 37. —

The Under Secretary of State for India to the Secretary to the Admiralty.

Sir,

India Office, 17 November 1864.

I AM directed to acknowledge the receipt of your letter, dated the 4th October (S), giving cover to the tenders received by the Lords Commissioners of the Admiralty for the construction of five steam ships and engines for the India Troop Transport Service, which letter and tenders have been duly considered by the Secretary of State for India in Council. I have now to state that Sir Charles Wood has delayed answering your letter, not being quite satisfied of the propriety

priety of accepting the tenders recommended by the Controller of the Navy, and entertaining also some doubts of the possibility of the steam vessels required for service in India being completed so as to ensure their arriving at Bombay in time to commence the service from thence at the period then proposed. He is, moreover, not without apprehension that there might be some financial inconveniences in meeting, within the time specified, the much larger payments which the new arrangement recently agreed upon will entail upon the revenue of India.

For these reasons the Secretary of State for India in Council has determined to postpone the commencement of the contemplated Overland Transport Service till the subsequent season, viz., September 1867. He trusts that by giving more time for the requisite arrangements, there can be no doubt of everything being in perfect readiness to commence the service, both in this country and in India, at the proper period.

Although he has thus delayed the proposed commencement of the service, the Secretary of State in Council entertains no doubt of the expediency of its being performed, as had been arranged, under the control of the Director of Transport Services, with the assistance of an Indian officer, or of the advantage of employing first-class vessels of the description recommended by their Lordships' officers. He is convinced that vessels of this superior class will not only be more efficient, but in the end more economical; and he is desirous of expressing his acknowledgments to the Lords of the Admiralty, and through their Lordships to their officers, for the ready and valuable services rendered by them in the preparation of the specifications and drawings, and in the examination of the tenders for the requisite steam ships and engines. The Secretary of State in Council is not, however, without hope that by allowing the longer time above-mentioned for commencing the service, some reduction might be made in the terms for constructing the ships and machinery, and he therefore suggests that fresh tenders should be invited by their Lordships, with as little delay as possible, from the builders and engineers, applicable to the extended time, but so that there may not be any unnecessary loss of time in commencing the work.

I am, &c.
(signed) *Herman Merivale.*

— No. 38. —

Lord *Clarence Paget*, c.b., Secretary to the Admiralty, to the Under Secretary of State for India.

(S.)

Sir,

Admiralty, 14 December 1864.

WITH reference to previous correspondence, I am commanded by my Lords Commissioners of the Admiralty, to request you will state to the Secretary of State for India in Council that they have now received the revised tenders for the construction of the five transports for the Indian service; and they are under consideration. They will be forwarded as soon as they have received that careful examination which so important a subject requires.

My Lords have given the fullest consideration to the whole question, and they are now desirous of pointing out that, while the power of deciding on the course to be adopted rests entirely with the Secretary of State, they believe that his object would be better attained, and the advantage of the public service best secured, by leaving the execution of what it has been agreed to do, in providing these vessels, in the hands of the Admiralty.

If Sir Charles Wood should be of this opinion, my Lords would suggest that they should be empowered, after a most careful inquiry, to select those tenders which appear to them to be the most advantageous, acquainting him with the full particulars of each tender, and then to proceed with the preparation of the contracts without delay.

I am, &c.
(signed) *C. Paget.*

— No. 39. —

The Under Secretary of State for India to the Secretary to the Admiralty.

Sir,

India Office, 15 December 1864.

I HAVE to acknowledge the receipt of your letter of the 14th instant (S.), stating that the Lords Commissioners of the Admiralty have now received the revised tenders for the construction of the five steam vessels for the India Troop Transport Service, *viâ* Egypt; and that those tenders will receive that careful examination by their Lordships which so important a subject requires, but suggesting that the object of the Secretary of State for India would be better attained, and the advantage of the public service best secured were he to leave the execution of what it has been agreed to do in providing these vessels in the hands of the Admiralty; and I am directed to acquaint you, in reply, that the Secretary of State, having considered the subject in Council, entirely concurs in the views of the Lords of the Admiralty, as expressed in your letter; and that he accordingly empowers their Lordships to select, after most careful inquiry, those tenders which appear to them to be the most advantageous, and then to proceed with the preparation of the contracts without delay.

I am, &c.

(signed) *Herman Merivale.*

— No. 40. —

W. G. Romaine, Esq., C.B., to the Secretary of the Treasury.

Sir,

Admiralty, 9 January 1865.

THE Secretary of State for India, and the Secretary of State for War, having decided that a service should be organised for the transport of troops between this country and India, *viâ* Suez, I am commanded by my Lords Commissioners of the Admiralty to request you will state to the Lords Commissioners of Her Majesty's Treasury that, after full discussion of the scheme, arrangements have been agreed to by their Lordships with the India Office and the War Office, as shown in the accompanying Minute and correspondence.

The Lords of the Treasury will perceive that, under this arrangement, five steam ships (of above 4,000 tons, and 700 horse-power) will be employed; three under officers appointed by the Government of India, on the line between Suez and India, and two under officers of the Royal Navy, between this country and Alexandria.

The whole charge of the three ships beyond the Isthmus, and the charges in Egypt will be borne by the India Office, as well as the first cost of the two ships on the Mediterranean route, estimated at 200,000 *l.* each. But it being contemplated that these two ships should only be employed for three-fifths of the year in Indian duty, leaving two-fifths, or nearly five months, for Imperial service, it has been arranged that, as the Indian Government undertakes to replace them when worn out (estimated to be so in 20 years), and to incur with respect to them, throughout the year, the usual liabilities of underwriters, the Admiralty should credit India with two-fifths of four and five per cent. respectively per annum on 400,000 *l.*, those per-centages being considered reasonable allowances for depreciation and insurance.

On the other hand, the Admiralty is to be credited with the entire expense incurred while the vessels are on Indian service, for the wages, victuals, &c. of the crew, the coal consumed, and the messing, &c. of the troops; and also with three-fifths of eight per cent. per annum on 400,000 *l.*, to meet the cost of the ordinary repairs of the ships and machinery.

The memorandum attached to the Minute of this Board shows, as the result of these charges, a net credit to the Admiralty of about 20,160 *l.* per annum, irrespective of the repayments for coal and messing.

With respect to the manner in which these payments to the Admiralty are to be brought to account, whether as credits to the several Votes, or by payments into

into the Exchequer, my Lords would refer to the proposal contained in their letter of the 4th instant.

My Lords request the concurrence of the Treasury in this arrangement.

The Lords of the Treasury will observe in the correspondence that, with respect to the cost of certain extraordinary reliefs, which the Secretaries of State for War and India have agreed should be ultimately defrayed by this country, my Lords have stipulated that any claims on account of the service paid for in the first instance by the Government of India, should be credited to India under the direction of the Treasury; this department under no circumstances being responsible for any arrangements, or providing for any portion of the expense of transport ships managed by the India Government. It appeared to my Lords, that claims of this character should be treated as military charges, to go in reduction of the contribution made by India towards Imperial military expenditure.

The Secretary of the Treasury,
&c. &c. &c.

I am, &c.
(signed) *W. G. Romaine.*

— No. 41. —

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

(S.)

Sir,

Admiralty, 7 February 1865.

WITH reference to previous correspondence, I am commanded by my Lords Commissioners of the Admiralty to request you will state to Secretary Sir Charles Wood, that they have accepted a tender from Messrs. Napier & Sons of Glasgow, to construct one of the iron screw troop-ships for India Relief Service with engines and spare gear complete, for the sum of 195,100 *l.* 3 *s.* 6 *d.*, the ship to be delivered complete in all respects by the 1st April 1867.

I am, &c.
(signed) *W. G. Romaine.*

— No. 42. —

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

(S.)

Sir,

Admiralty, 8 February 1865.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for India in Council, that they have accepted a tender from Messrs. Palmer Brothers & Co., of Newcastle-on-Tyne, to construct one of the iron screw troop-ships for India Relief Service, with engines and spare gear complete, for the sum of 195,721 *l.*, to be delivered complete in all respects by the 30th November 1866.

I am, &c.
(signed) *W. G. Romaine.*

— No. 43. —

The Under Secretary of State for India to the Secretary to the Admiralty.

Sir,

India Office, 17 February 1865.

I HAVE to acknowledge the receipt of your letters of the 7th and 8th instant, (S.) the former stating that the Lords Commissioners of the Admiralty have accepted a tender from Messrs. Napier & Sons of Glasgow, to construct one of the iron

screw troop-ships for the intended Indian Relief Service, with engines, &c. for 195,100 *l.* 3 *s.* 6 *d.*, to be delivered complete in all respects by the 1st April 1867, and the latter stating that they have accepted a tender from Messrs. Palmer Brothers & Co. of Newcastle-on-Tyne, to construct one other of those troop-ships, with engines, &c. for 195,721 *l.*, to be delivered complete in all respects by the 30th November 1866; and having laid those letters before the Secretary of State for India in Council, I am directed to request that their Lordships will cause Sir Charles Wood to be furnished as early as possible after the deeds of contract shall have been signed for the construction of these and the other three screw transport ships, which are to be built respectively, with statements showing the several proportions or instalments in which the purchase-money is to be paid to the respective contractors, the amount of each instalment, and the probable dates of the various instalments becoming due to each contractor, in order that timely arrangements may be made by this Office for meeting the requisite periodical payments, according to the several contracts.

I am, &c.
(signed) *Herman Merivale.*

— No. 44. —

Lord *Clarence Paget*, C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

(S.)

Sir,

Admiralty, 15 February 1865.

I AM commanded by my Lords Commissioners of the Admiralty to request you will state to Secretary Sir Charles Wood, that they have accepted the tender of Messrs. Laird Brothers, of Birkenhead, to build one of the iron screw transports for India Troop Relief Service, for the sum of 195,608 *l.* 12 *s.* 6 *d.* the ship to be delivered complete by the 1st April 1867.

I am, &c.
(signed) *C. Paget.*

— No. 45. —

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

(S.)

Sir,

Admiralty, 17 February 1865.

WITH reference to your letter of yesterday's date, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, that so soon as the contracts are signed for the construction of the five ships for the India Troop Relief Service, a statement will be forwarded for the information of Secretary Sir Charles Wood, of the amounts of the several instalments, and the probable time when the payments may be expected to become due.

I am, &c.
(signed) *W. G. Romaine.*

— No. 46. —

The Under Secretary of State for India to the Secretary to the Admiralty.

Sir,

India Office, 24 February 1865.

I HAVE to acknowledge the receipt of your letter of the 15th instant, (S.) stating that the Lords Commissioners of the Admiralty have accepted the tender of Messrs. Laird Brothers, of Birkenhead, to build one of the iron screw steam transports

transports for India Troop Relief Service, for the sum of 195,608 *l.* 12 *s.* 6 *d.*, the ship to be delivered complete by the 1st April 1867, and to acquaint you that the same has been laid before the Secretary of State for India in Council.

I am, &c.
(signed) *Herman Merivale.*

— No. 47. —

E. Hammond, Esq., Under Secretary of State for Foreign Affairs, to the Under Secretary of State for India.

Sir,

Foreign Office, 24 February 1865.

WITH reference to the letter from this Department of the 20th October last, I am directed by Earl Russell to transmit to you herewith, for the information of Her Majesty's Secretary of State for India, a copy of a Despatch from Sir Henry Bulwer, reporting the readiness of the Viceroy of Egypt to comply with the wishes of Her Majesty's Government respecting the regular passage of English troops through Egypt for India.

I am, &c.
(signed) *E. Hammond.*

Sir H. Bulwer.
No. 15.

Enclosure to No. 47.

(No. 15.)

Sir Henry Bulwer to the Earl *Russell*, K.G., Secretary of State for Foreign Affairs.

My Lord,

Cairo, 5 February 1865.

MR. COLQUHOUN has spoken to the Egyptian Government about the regular passage of English troops through Egypt to India, and I have done so also, and I am happy to say, that I not only found no reluctance on the part of the Viceroy to comply with the wishes of Her Majesty's Government in this respect, but all the symptoms of sincere satisfaction in doing so. I have been sent a copy of the rates of charges paid by the French on similar occasions; but I have thought it better that this should reach your Lordship through Mr. Colquhoun, who will have the subsequent management of this affair. I ought, however, to mention that it is thought desirable that the British Government should have a stationnaire at Alexandria, as the French Government has, which might be made useful in various ways in connection with the transport in question; and for many reasons I would venture to support this request. I should add that Nubar Pasha has informed me that if Her Majesty's Government object to any of the charges proposed, the Egyptian Government will make any changes or modifications in them that Her Majesty's Government may desire, proposing in such case to make similar changes or modifications with respect to the conveyance of French troops.

I have, &c.
(signed) *H. L. Bulwer.*

(S.)

— No. 48. —

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 25 February 1865.

I AM commanded by my Lords Commissioners of the Admiralty to request you will inform Sir Charles Wood that they have accepted the tender of the Thames Iron Ship Building Company to build one of the iron screw transports for India Troop Relief Service, for 190,914 *l.* 15 *s.*, the ship to be delivered complete by the 1st April 1867, and also the tender of Messrs. Money Wigram & Sons, to build one of the transports, for the sum of 189,441 *l.* 10 *s.*, to be delivered at the same time.

I am, &c.
(signed) *W. G. Romaine.*

— No. 49. —

The Under Secretary of State for India to the Secretary to the Admiralty.

Sir,

India Office, 2 March 1865.

I HAVE to acknowledge the receipt of your letter of the 25th ultimo, (S.) stating that the Lords Commissioners of the Admiralty have accepted the tenders of the Thames Iron Ship Building Company and of Messrs. Money Wigram & Co., each to build one of the iron screw steam transports for Indian Troop Relief Service, for the sums of 190,914*l.* 15*s.*, and 189,441*l.* 10*s.* respectively, the vessels to be delivered complete by the 1st April 1867, and to acquaint you that the same has been laid before the Secretary of State for India in Council.

I am, &c.

(signed) *Herman Merivale.*

— No. 50. —

(S.)

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 2 March 1865.

WITH reference to my letter of the 11th of October last, in regard to the supervision of the building of the five iron screw ships for the India Troop Relief Service, I am commanded by my Lords Commissioners of the Admiralty to request you will state to Secretary Sir Charles Wood that Mr. Martin, Assistant Master Shipwright of Sheerness Yard, has been selected to undertake the general supervision of the work, under the direction of the chief constructor, assisted by a draughtsman. Mr. Hobbs, with a boiler maker, will act as overseer at Messrs. Laird's; Mr. Glenn, with a boiler maker, at Messrs. Napier's; Mr. Fittock, with two boiler makers, at Messrs. Palmer's; at the Thames Iron Company's Works, Mr. Dodd, with one boiler maker; and at Messrs. Wigram's, Mr. Williamson, with a boiler maker.

I am, &c.

(signed) *W. G. Romaine.*

— No. 51. —

The Assistant Under Secretary of State for India to the Secretary to the Admiralty.

Sir,

India Office, 9 March 1865.

I AM directed to acknowledge the receipt of your letter dated the 2d instant, referring to Admiralty letter of the 11th of October 1864, on the subject of the expenditure to be incurred in the supervision of the building of the five iron screw ships for the India Troop Relief Service, and to acquaint you, for the information of the Lords Commissioners of the Admiralty, that the Secretary of State for India has considered the subject in Council, and will be prepared to defray the expense of that supervision at the rates specified in your letter of the 11th of October, for such periods as may be necessary.

I am, &c.

(signed) *J. C. Melvill.*

— No. 52. —

(S.)

W. G. Romaine, Esq. c.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 8 March 1865.

I AM commanded by my Lords Commissioners of the Admiralty to request you will state to the Secretary of State for India that the Indian Troop Relief Transports have been named as follows:—

That building by Messrs. Wigram - - - "Crocodile."

Ditto - - Thames Iron Company - - - "Serapis."

These two ships to be employed on this side Suez, and—

That building by Messrs. Laird - - - "Euphrates."

Ditto - - Messrs. Palmer - - - "Junna."

Ditto - - Messrs. Napier - - - "Malabar."

I am, &c.

(signed) *W. G. Romaine*.

— No. 53. —

(M.)

W. G. Romaine, Esq., c.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 9 March 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Secretary of State for India, a copy of a letter of the 24th ultimo, from the Under Secretary of State for Foreign Affairs, and also its enclosures, from Her Majesty's Agent and Consul General at Cairo, respecting the passage through Egypt of English troops for India, and the arrangements proposed by the Egyptian Government for facilitating the same. My Lords request that you will move the Secretary of State to inform them what answer should be sent to the Secretary of State for Foreign Affairs.

The enclosures are sent in original, and I am to request that they may be returned with your answer.

I am, &c.

(signed) *W. G. Romaine*.

Enclosures to No. 53.

E. Hammond, Esq., Under Secretary of State for Foreign Affairs to the Secretary of the Admiralty.

Sir,

Foreign Office, 24 February 1865.

I AM directed by Earl Russell to transmit to you herewith, for the information of the Lords Commissioners of the Admiralty, copy of a Despatch from Sir Henry Bulwer, together with copies of two Despatches from Her Majesty's Agent and Consul General at Cairo, respecting the passage through Egypt of English troops for India, and the arrangements proposed by the Egyptian Government for facilitating the same.

I am, &c.

(signed) *E. Hammond*.

Sir H. Bulwer.
No. 15.

Mr. Colquhoun's.
Nos. 12 and 13.

(No. 15.)

Sir *Henry Bulwer* to the Earl *Russell*, K.G., Secretary of State for Foreign Affairs.

My Lord,

Cairo, 5 February 1865.

MR. COLQUHOUN has spoken to the Egyptian Government about the regular passage of English troops through Egypt to India, and I have done so also, and I am happy to say that I not only found no reluctance on the part of the Viceroy to comply with the wishes of Her Majesty's Government in this respect, but all the symptoms of sincere satisfaction in doing so.

I have been sent a copy of the rates of charges paid by the French on similar occasions, but I have thought it better that this should reach your Lordship through Mr. Colquhoun, who will have the subsequent management of this affair. I ought, however, to mention that it is thought desirable that the British Government should have a stationnaire at Alexandria, as the French Government has, which might be made useful in various ways in connection with the transport in question, and for many reasons I would venture to support this request.

I should add that Nubar Pasha has informed me that, if her Majesty's Government object to any of the charges proposed, the Egyptian Government will make any changes or modifications in them that Her Majesty's Government may desire, proposing in such case to make similar changes or modifications with respect to the conveyance of French troops.

I have, &c.
(signed) *H. L. Bulwer.*

Betts Bey to *Monsieur Fisquet*, Commandant Supérieur des Forces Navales Françaises stationnés en Egypte.

Chemin de Fer Egyptien, Alexandrie,
le 31 Octobre 1860.

Monsieur,

SUIVANT vos désirs lors de mon dernier séjour au Caire je me suis empressé de soumettre à S. A. le Vice-Roi toutes les questions que vous me fîtes verbalement à l'occasion de votre dernier entretien.

J'ai l'avantage aujourd'hui, monsieur, de vous faire savoir que S. A. a bien voulu adhérer à toutes vos instances en les sanctionnant par ordre No. 9, date du 8 Rabi Akbir année courante.

Conséquemment, afin d'éviter tout mal entendu par la suite je me fais un plaisir, monsieur, de vous indiquer les conditions en base desquelles le passage des troupes et transport de matériel d'Alexandrie à Suez et vice versa devront s'effectuer ainsi :—

Le prix pour chaque officier est de piastres trois cent quatorze (*P. 314* à tarif); celui pour chaque soldat de piastres deux cent six (*P. 206*). Les femmes paieront le même prix que les officiers ou les soldats et les enfants de 3 à 10 ans paieront demi place, les enfants audessous de 3 ans seront transportés gratuitement. Il va sans dire que dans ces prix n'est pas comprise la nourriture que les troupes pourraient avoir besoin dans la traversée.

Il sera accordé à chaque officier 80 rotoles de bagages, à chaque soldat 50 rotoles, et aux enfants la moitié du poids accordé aux adultes. L'excédant sur les poids des bagages, s'il sera transporté par train à grande vitesse, paiera à raison de livres six sterling (6*l.* sterling) ou bien *P. 585* au tarif par tonneau Anglais de 2,240 rotoles, et s'il sera transporté par train à petite vitesse livres quatre sterling (4*l.* sterling) ou bien *P. 390* par tonneau.

Les armes, ammunitions de guerre, objets de campement, en une parole le matériel de tout genre appartenant aux troupes, sera considéré dans la catégorie du bagage excédant.

Les pièces de machine servant aux navire du Gouvernement Français seront transportés indistinctement au prix de livres quatre sterling (4*l.* sterling), ou bien *P. 390* au tarif par tonneau Anglais.

Le matériel naval, tel que cordage, goudron, voiles de rechange et approvisionnements venant de l'extérieur pour l'usage des navires stationnés à Suez, s'il sera transporté par train à grande vitesse, paiera livres trois sterling (3*l.* sterling) ou bien *P. 292½* par tonneau Anglais, et s'il sera transporté par train à petite vitesse livres deux sterling (2*l.* sterling) ou bien *P. 195* par tonneau.

Les provisions de bouche, telles que volailles, bestiaux, herbages, fruits, &c., acquises en Egypte seront transportées au prix de *P. 250* par wagon du Caire à Alexandrie et *P. 200* du Caire à Suez.

Il est bien entendu que les frais de débarquement et embarquement pour tout ce qui précède seront à la charge du Gouvernement Egyptien exceptés ceux pour les approvisionnements de bouche.

Quant au charbon de terre il sera reçu et délivré de gare en gare et transporté au prix de vingt-huit shillings et six-pence sterling (1*l.* 8*s.* 6*d.* sterling) ou bien *P. 138-37½* par tonneau Anglais.

Cette administration fournira bien à Suez l'eau du Nil nécessaire aux navires Français au prix de p. 2½ par quintal de 100 rotoles.

Enfin les comptes seront réglés après chaque expédition, et cette administration acceptera en paiement des lettres de change à 30 jours de vue sur le Gouvernement Français payables en pièces de 20 francs à raison de *P. 77 $\frac{6}{10}$* pour chaque Napoleon d'or; suivant le tarif du Gouvernement Egyptien ces lettres de change devront porter la condition d'être payées en France en pièces de 20 francs.

J'espère, monsieur, qu'en suite de l'exposé qui précède tous les points qui se rattachent au passage à travers l'Egypte des troupes Françaises seront réglés, et dans cette conviction J'ai l'honneur de vous présenter mes hommages respectueux.

(signé) *Betts Bey.*

(No. 12.)

R. G. Colquhoun, Esq., to the Earl *Russell*, K.G., Secretary of State for Foreign Affairs.

My Lord,

Cairo, 6 February 1865.

I LEARN with much satisfaction from your Lordship's Despatch, No. 34, of 18th June last, that it is considered expedient that the British troops to and from India should pass through Egypt, and Mr. Reade was instructed to communicate with the Egyptian Government on the subject.

I have, since my return, mentioned the intention of Her Majesty's Government both to the Viceroy and to his minister; the communication was received with considerable satisfaction by both.

I enclose for your Lordship's information a copy of a letter from Betts Bey to the Commander of the French Forces in Alexandria, dated 31st October 1860, containing the conditions in which the French troops have hitherto passed through Egypt.

I learnt from the minister, that a considerable reduction took place, however, a short time ago, and when his Excellency, as he said by the Viceroy's desire, requested me to propose the conditions of the passage of any troops through Egypt, I said I should be perfectly satisfied with the same rates as those now paid by the French.

I accordingly, on the 4th, received from his Excellency the Minister of Public Works, now at the head of the Railway Department, the annexed table of fares of French troops and officers now passing through Egypt.

Your Lordship will see the great reduction since 1860. With the above reduced rates I have, both to the Viceroy and to his Minister, declared myself perfectly satisfied.

Her Majesty's Government, therefore, may reckon on the exact and punctual fulfilment on the part of the Egyptian Government of their agreement to convey our troops through Egypt, on the same terms as those of the French.

I have, &c.
(signed) *R. G. Colquhoun*.

P.S.—8th February. Since writing the preceding, I thought it right to ask for an official note from the Minister of Public Works on the subject, and on my return from Alexandria, whither I was called on business, I found the letter, of which I enclose copy, waiting me from his Excellency Nubar Pasha.

(signed) *R. G. C.*

No. 1.
Director of Rail
way to French
commanding
officer.

No. 2.

No. 3.
From Nubar
Pasha.
6 February.

Nubar Pasha to *R. G. Colquhoun*, Esq.

Caire, le 6 Fevrier 1865.

Monsieur l'Agent et Consul Général,

J'AI eu l'honneur d'entretenir son Altesse de l'intention qu'aurait le Gouvernement de S. M. la Reine de faire passer par l'Egypte les troupes qu'il envoie aux Indes et *vice versa*. Je lui ai demandé de votre part les conditions auxquelles ce passage aurait lieu.

Son Altesse m'a donné ordre de vous dire, Monsieur l'Agent et Consul Général, qu'elle serait heureuse de pouvoir être agréable en quoi que ce soit au Gouvernement de sa Majesté et que quant aux conditions elles seraient naturellement les mêmes que les conditions que le Gouvernement Français a faites avec l'administration du transit et dont J'ai eu l'honneur de vous envoyer la note hier.

Je vous prie, Monsieur l'Agent et Consul Général, de vouloir bien agréer, &c.

(signé) *N. Nubar*.

Enclosure No. 2 referred to in the Despatch from *R. G. Colquhoun*, Esq., to the Earl *Russell*, K.G., Secretary of State for Foreign Affairs, dated 6 February 1865.

FARES of French Troops passing through Egypt.

			<i>Ps.</i>	<i>£</i>	<i>s.</i>	<i>d.</i>
Officers, 1st Class from Alexandria to Suez	-	-	240	-	2	9 3
Ditto ditto Children $\frac{1}{2}$ rate to Suez	-	-	120	-	1	4 8
Soldiers, 2d Class from Alexandria to Suez	-	-	120	-	1	4 8
Ditto ditto Children $\frac{1}{2}$ rate to Suez	-	-	60	-	-	12 4

BAGGAGE.

Weight allowed, 1st Class, 80 rotoles, or 80 English lbs.

Ditto 2d Class, 50 " or 50 "

Excess of baggage is charged from Alexandria to Suez at the rate of *Eg. ps. 585*, or 6*l.* per ton.

159.

H 3

Stores

Stores by express train, such as arms, munitions of war, &c., at the rate of *Eg. ps.* 585, or 6*l.* per ton.

Stores by goods trains, such as arms, munitions of war, &c., at the rate of *Eg. ps.* 390, or 4*l.* per ton.

Naval stores, such as ropes, sails, &c., at the rate of *Eg. ps.* 195, or 2*l.* per ton.

These troops are allowed a special train, which generally starts from Alexandria at about 6 p.m., so as to arrive at Suez at daylight without stoppages, and they get breakfast on board.

Rations for 12 or 18 hours are taken up with them in the train.

The troops are landed at this port and embarked at Suez by the steamer tenders of the Administration.

(No. 13.—Confl.)

R. G. Colquhoun, Esq., to the Earl *Russell*, K.G., Secretary of State for Foreign Affairs.

My Lord,

Cairo, 8 February 1865.

WITH reference to my letter of the 6th (No. 12), I think it right to convey to your Lordship a suggestion made by his Highness the Viceroy, during a conversation I had with him a few days ago. I give it nearly in his own words.

He urged that a vessel fitted as a troop ship should be brought from Malta and moored in the harbour of Alexandria, on board of which any troops arriving or waiting the advent of the corresponding transport from the other side should be lodged, as is now the case with the French corvette, "*La Perdrix*." I told him that with a regular and well organised arrangement, such might hardly be needed. He said, "That is true; but delays might occur." He appeared to me to be desirous a British vessel of war *should be stationed in the harbour*; moreover, he added, "We have in cases of fire, &c., often derived the greatest assistance from the presence of the crew of the French vessel, and we are sure the example of the discipline of an English ship of war would be precious to our own crews."

Her Majesty's Government may give the subject its consideration.

I have, &c.

(signed) *Robert G. Colquhoun*.

— No. 54. —

(No. 091.—050.)

Sir Edward Lugard, K.C.B., Under Secretary of State for War, to the Under Secretary of State for India.

Sir,

War Office, 9 March 1865.

I AM directed by the Secretary of State for War to transmit for the information of the Secretary of State for India in Council, the enclosed copies of correspondence received from the Foreign Office relative to the transit of British troops through Egypt.

I have, &c.

(signed) *Edward Lugard*.

Enclosures to No. 54.

MEMORANDUM.—The correspondence enclosed is a transcript of letters already given in this Return as enclosures in No. 51, and is therefore not repeated here.

— No. 55. —

W. G. Romaine, Esq., C.B., Secretary to the Admiralty, to the Under Secretary of State for India.

Sir,

Admiralty, 22 March 1865.

WITH reference to your letter of the 30th of September last, in which you state that Secretary Sir Charles Wood concurs in the proposal that a committee of five officers should be at once appointed to settle various points in connection with the organisation of the Overland Route Service, and that Mr. Mason had been

been appointed on behalf of the India Office to act as one of the five members of the committee, I am commanded by my Lords Commissioners of the Admiralty to request that Mr. Mason may be instructed to place himself in communication with Captain Mends, the director of transport services at Somerset House, with a view to the assembling of the committee.

I am &c.,
(signed) *W. G. Romaine.*

— No. 56. —

The Under Secretary of State for India to the Secretary, Admiralty, Whitehall,

Sir,

India Office, 24 March 1865.

I AM directed to acknowledge the receipt of your letter dated the 22d March, "S," and to acquaint you, in reply, that Mr. Mason, the secretary in the Marine and Transport Department of this office, has been instructed by the Secretary of State for India to place himself in communication with Captain Mends, the director of transport services at Somerset House, with a view to the assembling of the committee of five officers (whereof he has been appointed to be one by the letter from this office of the 30th September 1864), for the settlement of various points in connection with the organisation of the Overland Route Transport Service between England and India.

I am, &c.
(signed) *Herman Merivale.*

COPY of REPORTS and CORRESPONDENCE respecting the Establishment of a Line of STEAM TRANSPORTS between *England* and *India*.

(*Mr. Ayrton.*)

Ordered, by The House of Commons, to be Printed,
27 March 1865.

[*Price 8 d.*]

159.

Under 8 oz.

TELEGRAPHIC COMMUNICATION (INDIA, &c.).

RETURN to an Address of the Honourable The House of Commons,
dated 21 February 1865;—for,

“COPY of CORRESPONDENCE and PAPERS relating to the Establishment of
TELEGRAPHIC COMMUNICATION between *India, Singapore, China, and*
Australia, since the 5th day of April 1864 (in continuation of the Papers
communicated last Session).”

India Office, }
29 March 1865. }

W. T. THORNTON,
Secretary, Public Works Department.

(*Mr. Marsh.*)

Ordered, by The House of Commons, to be Printed,
7 April 1865.

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COPY of CORRESPONDENCE and PAPERS relating to the Establishment of TELEGRAPHIC COMMUNICATION between *India, Singapore, China, and Australia* since the 5th day of April 1864 (in continuation of the Papers communicated last Session).

— No. 1. —

No. 1 of 1864, February 15th.

HOME DEPARTMENT, ELECTRIC TELEGRAPH.

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Secretary of State for India.

Sir,

Fort William, 15 February 1864.

WE have the honour to transmit to you a copy of the papers noted on the margin, relative to two proposals for the establishment of telegraphic communication in the Straits Settlement.

2. In December 1862, the Governor of the Straits Settlement submitted a proposal from Messrs. Fisher & Riley for the construction of a line of telegraph between Singapore and Penang, *via* Malacca and Cape Rachado, on condition of Government giving them a guarantee for 16 years for the exclusive right of working the telegraph in British territories, and a contract for Government messages at a rate not exceeding half a dollar per word. Messrs. Fisher & Riley also asked for the assistance of Government in procuring similar concessions from the native chiefs through whose territory the line would pass.

3. The proposal having been referred to the Director General of Telegraphs, that officer reported, in his letter, No. 1389, dated 12th September 1863, that, with regard to the desired monopoly of telegraphic service, any guarantee to be given by Government had better be for a period not longer than five years, and also might, with advantage, contain provision for the contingency of a telegraph being established from India to Australia; and that in respect of the contract for Government messages, an arrangement by which Government might, for a monthly payment of 315 rupees, have the privilege of sending, without payment, messages aggregating a similar number of words in the month, would be reasonable.

4. It appeared to us that the question deserved to be considered less with reference to the possibility of an Australian line of telegraph, than to the contingency of Singapore being brought into connection with the Indian system of telegraphs through British Burmah. Accordingly, in intimating to Colonel Cavenagh our desire for further information regarding the terms desired by Messrs. Fisher & Riley, we drew his attention to the expediency of including in the proposed agreement specific provision both for enabling Government to take over the line at a valuation, in the event of a telegraph being constructed between Moulmein and Singapore, and also for declaring the agreement at an end in the event of the projectors failing to conduct their telegraph efficiently.

5. But before this communication was received at Singapore, the Governor had forwarded another proposal for our consideration from the British Consul at Batavia, the object of which was to establish a line of telegraph between Singapore and Java, an expectation being expressed that an annual subsidy would be granted by the British Government.

From Governor of Straits Settlement, No. 168, dated 8th December 1862, and enclosure.
To Director General of Telegraphs, No. 465, dated 20th January 1863.
To ditto, No. 4624, dated 24th July 1863.
From ditto, No. 1389, dated 12th September 1863.
To Governor of Straits Settlement, No. 6834, dated 30th October 1863.
From ditto, No. 202, dated 2d November 1863, and enclosure.
To ditto, No. 7835, dated 14th December 1863.
From ditto, No. 240, dated 22d December, and enclosure.
Elec. Tel. Progs. December 1863, Nos. 10 to 17.

6. Upon the receipt of this second proposal, we caused a communication to be made to the Governor of the Straits, to which no reply has yet been received, inquiring how he would reconcile the proposal of the Dutch projector to open stations at Malacca and Singapore, with the exclusive privilege claimed by Messrs. Fisher & Riley.

7. In the meantime the Governor of the Straits has replied to our first communication respecting the proposal of Messrs. Fisher & Riley. Colonel Cavenagh recommends that the term of guarantee applied for by Messrs. Fisher & Riley should be diminished to 12 years, and that the contract should be so framed as not to give them any claim to heavy compensation in the event of the line being taken over by Government. And Messrs. Fisher and Riley, for their part, accept the proposed stipulations as to the contract being terminable upon either their failing to work the telegraph satisfactorily, or upon Government offering a fair value for the line.

8. We consider the demands of Messrs. Fisher & Riley to be reasonable, and that an agreement might with advantage be entered into with them for the construction of a line of telegraph between Singapore and Penang under the conditions to which they have expressed their willingness to accede. But having regard to the contemplated transfer of the Straits Settlement from the control of the Indian Government, we think it proper, before moving further in the matter, to submit the papers for the consideration and instructions of Her Majesty's Government.

We have, &c.

(signed) *John Lawrence.*
R. Napier.
H. B. Harington.
H. S. Maine.
C. E. Trevelyan.
W. Grey.

From the Official Secretary to the Government of the Straits Settlement, No. 2, dated 6th January.

P.S.—Since writing the above, we have received the further communication noted in the margin, from the Governor of the Straits, which we also forward, and which gives the conditions on which the Governor would, in the event of Messrs. Fisher & Riley's proposition being accepted, permit the erection by the Dutch Company of stations at Singapore and Malacca.

Enclosures in No. 1.

Colonel *Orfeur Cavenagh*, Governor of the Straits Settlement, to *E. C. Bayley*, Esq., Secretary to the Government of India; (No. 168), dated Singapore, 8 December 1862.

Letter dated 27th November 1862, from Messrs. Fisher and Riley, to Secretary to Government, Straits Settlement.

Ditto, dated 27th November 1862, from ditto, to the Governor of the Straits Settlement.

Ditto from Secretary to Government, No. 467, dated 28th November 1862, to Messrs. Fisher and Riley.

Ditto from Messrs. Fisher and Riley, to the Governor of the Straits Settlement, dated 6th December 1862.

I HAVE the honour to enclose, for submission to his Excellency the Governor General in Council, copy of the correspondence noted in the margin, on the subject of the proposed establishment of an Electric Telegraph between Singapore and Penang.

2. How far the scheme, pending the continuation of the line to Rangoon, would prove remunerative, it would be almost impossible at present to form any decided opinion; but, in the event of the project meeting with the approbation of the Supreme Government, I should entertain little doubt as to its feasibility, the chiefs through whose territories the line would run being in general well disposed towards us, and ready to accede to any reasonable request that we might prefer.

3. The applicants have already established a telegraph line between Singapore and New Harbour.

Messrs. *Fisher and Riley*, to the Honourable Lieutenant Colonel *R. Macpherson*, Secretary to Government and Resident Councillor, Straits Settlement; dated Singapore, 27 November 1862.

HEREWITH we beg to forward, for your Honor's perusal, a letter to his Honor the Governor on the subject of an electric telegraph between Singapore and Penang, which

we

we most respectfully request you will forward to his Honor with any remarks that you may feel disposed to make in furtherance of the project.

We also respectfully request that you will urge a speedy reply, as we are most anxious to commence operations at once, and to send to England by the next mail for the necessary instruments and materials.

Messrs. *Fisher and Riley*, to the Honourable Colonel *Orfeur Cavenagh*, Governor of the Straits Settlement; dated Singapore, 27 November 1862.

WE beg most respectfully to submit, for your Honor's consideration, a project which has recently occupied our most anxious thoughts, and to which we have devoted much time, namely, the establishment of an electric telegraph between Singapore and Penang.

We submit the following particulars, and earnestly solicit your Honor's kind assistance in carrying out our plans, with every confidence that, whilst telegraphic communication in the Straits will be of great service to Government and the mercantile community, it will also remunerate us.

We propose to lay a wire from Singapore to the extremity of the Krangie Road, supported on poles, by the side of the public road; to pass a cable under the old Singapore Strait to Tanjong Putri, where we shall have a station; from there we should support the wire by trees, and, where necessary, on poles, over land by the route shown on the accompanying chart to Butterworth, or some convenient point opposite to Penang, and thence across the strait to Penang by another cable. There would be a station at Malacca, and also at Cape Rachad, if sufficient inducement were offered.

We have carefully estimated the cost of the whole line, and find that it can be completed for 18,000 dollars. The monthly working expenses will be about 1,200 dollars, and prospective income about 1,450 dollars.

There are, however, some points on which we have most respectfully and urgently to beg your Honor's kind assistance, viz.: that your Honor will be pleased to guarantee us against competition for a period of years; to enter into a contract with us for the transmission of all Government telegrams during that period; and that your Honor will kindly obtain for us a similar concession from the rulers of the native states through which the line will pass, with a guarantee that our works will be protected, as far as their Highnesses have it in their power.

We respectfully request that your Honor will be pleased to intimate the extent of support which your Honor feels disposed to give to our project, as to the exclusive right of working the telegraph, the probable concessions from the Native Rajahs, and on what conditions.

Lieutenant *M. Proteroe*, Deputy Secretary to the Government of Straits Settlement, to Messrs. *Fisher and Riley*, Singapore; (No. 467), dated Singapore, 28 November 1862.

YOUR letters of the 27th instant having been submitted for the consideration of his Honor the Governor, I have been desired to state that his Honor is quite prepared, as far as it may be in his power, to grant the desired concessions towards the establishment of communication by electric telegraph between Singapore and Penang. At the same time, the question having already been mooted in England, before giving any decided guarantee, it will be necessary for his Honor to submit the matter for the orders of the Supreme Government, to guard against interference with any scheme that may have met with the approval and sanction of the Right Honourable the Secretary of State for India.

2. There are three points on which his Honor would be glad to be favoured with further information:—

- 1st. The number of years for which the guarantee is required.
- 2d. The proposed charge per word for telegrams.
- 3d. The period within which, calculating from the date of the guarantee, the line may be expected to be opened.

3. His Honor would, of course, be unable to make any promise with regard to the grant in your behalf of the concessions by native chiefs, though his best endeavours would be used to obtain it.

Messrs. *Fisher and Riley*, to the Honourable Colonel *Orfeur Cavenagh*, Governor of the Straits Settlement; dated Singapore, 6 December 1862.

WITH reference to our application respecting a telegraph to Penang, and your Honor's questions thereon, we beg leave to reply—

- 1st. We venture to ask that the guarantee be granted for 16 years.
- 2d. The charge for telegrams will not exceed 50 cents per word. We do not, however, fix this as the charge, as we are fully aware of the benefits to be derived by the adoption of reasonable charges; but as we anticipate considerable trouble and expense in keeping

6 PAPERS RELATING TO TELEGRAPHIC COMMUNICATION

keeping the line in working order, both from the rapid growth of the jungle, which will have to be cut down from time to time, and the difficulty of travelling and carrying materials over a considerable portion of the line, which consists of swampy ground, we think it necessary, for our own protection, to have the power of making this charge. We may also state that our estimate of probable income is based thereon.

3d. We anticipate being able to complete the line ready for use, within eight months from date of receiving guarantee.

FORWARDED to the Director General of Telegraphs in India for early report, and its return requested.

By Order,
(signed) *A. M. Monteath*,
Under Secretary to the Government of India.

Home Department, 20 January 1863.

ELECTRIC TELEGRAPH.—14 December 1863.

J. W. S. Wyllie, Esq., Under Secretary to the Government of India, to Lieutenant Colonel *C. Douglas*, Director General of Telegraphs in India; (No. 4624), dated 24 July 1863.

YOUR delay in submitting the Report, called for on the 20th January last, prevents any action being taken on the proposal for the establishment of a line of telegraph between Singapore and Penang; I am, therefore, directed to call your immediate attention to the subject, and to request that the desired Report may be furnished without any further delay.

Lieutenant Colonel *C. Douglas*, Director General of Telegraphs in India, to *E. C. Bayley*, Esq., Secretary to the Government of India; (No. 1389), dated 12 September 1863.

YOUR No. 465 of the 20th January last requests opinion on the proposal of Messrs. Fisher and Riley of Singapore, to construct a line of telegraph between the Islands of Singapore and Penang.

2. The length of line that appears necessary is 453 English miles, all of which, with exception to somewhat under 10 miles of cable, which appear to be required for connecting the two islands with the main land, will be an over-ground line. The expense of construction of the line (offices apparently not included) is estimated at 18,000 Spanish dollars, or, assuming the dollar equal to two and one-tenth rupees, at 37,800 rupees.

3. Cable will, at the lowest estimate, cost in England 100 £., or 1,000 rupees per mile; and reducing the quantity necessary from 10 to 8 miles as a minimum, and assuming that no charge is made for freight to the place of expenditure, and no expense incurred in laying, the expenditure on submarine cable alone will be 8,000 rupees, leaving 29,800 rupees for the construction of 443 miles of land line, being at the very moderate rate of 67 rupees per mile for wire, supports, insulators, carriage, and labour,—a rate which this department has generally to pay for its wooden supports alone, leaving wire, carriage, and labour, out of the question.

4. As the projectors have stated that their estimate has been carefully prepared, no doubt should be entertained of its sufficiency, especially as they are not without experience, having already constructed a line between Singapore and New Harbor, a distance, I presume, of a few miles only.

5. The projectors, however, require a guarantee from the Straits Government on four points:—

1st. That they shall have a monopoly of communication between the places for 16 years.

2d. That they shall be contracted with for the conveyance of all the Government messages during this period.

3d. That a similar contract shall be arranged for them with the native rulers through whose states the line will pass.

4th. That these native rulers shall protect their line, as far as lies in their power.

6. They also state that their charge will not exceed half a dollar, or say one rupee per word.

7. The only points of their guarantee on which my opinion can be desired are the first and second.

8. Were

8. Were the undertaking they propose one involving an outlay in expensive permanent works, the full services of which could not be expected to have been reaped, except under a long period, as would be the case with a railway, in which expensive earthworks, buildings, and machinery, all of great probable permanence, 50 years for instance, were necessary, then it would be clearly a most imprudent speculation to engage on a work without a guarantee against competition for a very long period, and prospective inconveniences might be reasonably risked to secure a present great advantage; but the case presents no such features.

9. I have shown on how moderate a scale, as respects first outlay, it is intended to construct the line. Even with many charges omitted, the estimated cost per mile is 67 rupees, or no more than in India is required for the provision of the cheapest posts, leaving the wire and insulators—for, as it is proposed to take advantage of trees as supports, these latter will be necessary, and carriage and labour unprovided for.

10. The duration of such a line cannot be calculated at over five years, and, with a possible exception in the case of wire, renewal of the line every five years must be counted on; but I do not believe that, considering the very slight wire which the estimate will allow of being used, and the position of the line exposed, as it will be to sea spray driven against it by the winds, the duration of the wire is likely materially to exceed that of the other materials.

11. The only guarantee that I consider the projectors can reasonably require is, that the services of their lines shall be secured to them free of competition for the term of its natural life, estimated above at five years, to be calculated as commencing on the date of passage of the first paid message through it, provided that in the interval it does not become the interest either of a Government or of a company to construct a line, such, for instance, as one between India and Australia, and in which communication between Singapore and Penang would be included; and that, in such event, the projectors of the new line should be bound to indemnify the projectors of the line. We are considering for the value of the unexpired portion of the life of their line, calculated at the estimated (or actual) cost of construction being one-fifth of this for every year wanting to complete the five, provided it is not to the interest of the proprietors of the old line to continue to work it.

12. I have above assumed that the Straits Government are in a position to prohibit the construction of a second line on such portion of the main land of Malaya as is under native rulers.

13. Were an absolute guarantee for any fixed period given, it would place it in the power of the projectors of the line to levy a very enormous tax on every message, which, in the event of such a line as that between India and Australia being constructed, would have to use their line, or to demand a very large sum for surrender of their privilege; or indeed, as their income would then chiefly arise from tolls on through messages, it would be almost independent of the good or bad management of their portion of the line, and it would be in their power, by gross delays or other mismanagement, to establish a nuisance of such magnitude as to force the proprietors of the new line to abate it on any terms the proprietors of the old line might choose to demand.

14. The second point of guarantee is, that the Government shall contract with the projectors for the conveyance of its messages during the period. The meaning, I presume, here to be intended is, that the Government shall guarantee to the projectors a certain amount of business, that is to say, will guarantee the payment of a certain fixed sum in the year.

15. This is, in substance, a request for the guarantee of a certain interest on the capital invested. At 10 per cent. such a guarantee would be equivalent to a payment of 315 rupees per month, or $12\frac{1}{2}$ per day, for which they would have the privilege of sending without payment the same number of words per day (25 working days in the month). I think any such guarantee might reasonably be given.

16. I have adverted to the future possible construction of a line of telegraph between India and Australia, and it may be as well to consider if the scheme is likely to be brought forward within so brief a period as to risk the foreclosing of a five years' guarantee.

17. Such an undertaking as the construction of a line of telegraph between India and Australia could not, I think, expect support in England, unless warmly supported in the colony itself; and the amount of such support would be largely influenced both in England and Australia by the amount of capital required for the construction of the line.

18. The route which such a line would probably follow is the following:—

(a).—From Moulmein to Mergui, Penang and Singapore, by land, 1,357 miles.

(b).—From Singapore to Batavia, chiefly by water, 652 miles.

A cable was laid here by the Dutch Government, but is not, I believe, now in working order.

(c).—From Batavia to the nearest point in Australia, at Port Essington, of which about three-fourths of the distance may be by land, 2,080 miles.

(d).—From Port Essington to the most southerly point of the Gulf of Carpentaria, by land, 840 miles.

(e).—From the Gulf of Carpentaria to the town of Bowen at Port Dennison or Edgcomb Bay, the most northern settlement of the colony of Queensland, by land, 750 miles; and to this point, doubtless, the existing telegraph in Australia would be extended, in the event of its being determined to complete the system of telegraph between Europe and Australia, the required extension for this purpose beyond the existing limit of the Queensland lines being 700 miles.

19. The construction that would be necessary to complete communication between Europe and Australia would, as shown above, be 4,507 miles of land line, and 1,172 miles of submarine cable.

20. Leaving out of question the cost of the buildings required at intervals as offices and for the terminations of the many cables as cable houses, and assuming the cost of cables to be five times that of the same length of land line, and that the cost of this latter is 500 rupees per mile, and in this estimate the cost, and in the itinerary the distances would probably be found to be below rather than above the truth, then the total cost of the line would be 51,33,500 rupees, or somewhat over half a million sterling.

21. The Atlantic Cable cost, I believe, about a quarter of a million sterling. Five years have passed since its failure, and though the manufacture of cables and the art of laying them have both so materially improved since that time, that little doubt is entertained that the next attempt at providing communication between England and America would prove a success, yet speculators have not offered to take up a project of such interest, and which, if successful, promises to be so remunerative.

22. If we find this to be the case where two of the wealthiest countries of the earth are concerned, knit together by the closest social and commercial interests, what should be expected of a scheme involving double the capital for the connection with England of a comparatively poor country, inhabited chiefly by shepherds and miners, and in which England has little commercial and no political interest?

23. Were the advantages to be conferred on the countries through which the proposed Penang to Singapore line will pass of such importance as to render a longer guarantee than that suggested desirable, there seems little reason to apprehend that an extension of the guarantee to the 16 years solicited by the projectors would in any way interfere with the completion of any scheme of telegraphic communication between England and Australia.

24. Such extension of the guarantee as the projectors of the new line desire might, however, interfere with other local lines that might hereafter be projected; and were it on other grounds reasonable, I think that on this ground alone it would be prudent to refuse it.

25. In considering the prospects of early completion which any scheme for establishing telegraphic communication between India and Australia would hold out, I have not taken into account the possibility of other than the merely physical difficulties having to be overcome.

26. What the difficulties arising from the character of the inhabitants of the many islands which the line would traverse will probably be, I have no means of ascertaining; but it is known that, with the exception of a few seaport settlements, the whole of North Australia is almost unexplored and uninhabited, except by natives who on that side have shown themselves both hostile and courageous. The straight line of communication on which my estimate is based might not, therefore, be practicable, so far as Australia is concerned, for many years; and, as has been proposed, it might be found necessary, instead of constructing a land line across that country, from Port Essington to Port Dennison, to lay a cable from the former point to the bottom of the Gulf of Carpentaria, in such case materially increasing the amount of cable required, and, as a consequence, the cost of the line.

E. C. Bayley, Esq., Secretary to the Government of India, to Colonel Orfeur Cavenagh, Governor of the Straits Settlement; (No. 6834), dated 30 October 1863.

REFERRING to your letter, No. 168, dated the 8th of December 1862, submitting a copy of a correspondence on the subject of a line of telegraph proposed for erection between Singapore and Penang, I am directed to intimate that the President in Council would be glad to receive a more explicit statement of your opinion regarding the proposed measure and the terms asked for by the projectors.

2. It should be also clearly ascertained whether the contract which the projectors desire for the transmission of all Government telegrams, refers only to telegrams of the
Local

Local Government passing to and fro between Singapore and Penang. With reference to this point it would seem desirable, that, if the proposed line is now made (and the guarantee asked for given), the agreement should include a provision enabling the Government to take over the line at a valuation in the event of steps being taken at any time for the construction of a line from Moulmein to Singapore. Some provision, I am to add, is likewise necessary enabling Government to declare the agreement at an end in the event of failure on the part of the projectors to conduct the telegraphic service efficiently; and its being in consequence desirable to construct a Government line. The decision of this point should apparently rest with the Government.

3. The President in Council regrets the further delay which this reference must cause; but it seems unavoidable, from the indefinite character of the proposal as first submitted. The great delay which has already occurred, I am to state, is owing to the neglect of the Director General of Telegraphs to reply to the reference which was made to him on receipt of your letter.

Captain *J. Burn*, Officiating Secretary to the Government of the Straits Settlement, to *E. C. Bayley*, Esq., Secretary to the Government of India; (No. 202), dated Singapore, 2 November 1863.

I HAVE the honour, by desire of His Honor the Governor, to forward herewith, for submission to the Honourable the President in Council, copy of a communication (No. 302), of the 29th ultimo, from Her Majesty's Consul at Batavia, on the subject of a proposal for re-establishing the telegraphic communication between the Straits of Singapore and Java.

2. There can, His Honor presumes, be no objection to his granting, as in the first instance, the desired permission to erect a telegraph station; but he cannot consider that the contractor would have any claim upon this Government for a subsidy, as the advantage to be derived by the State would be but slight, being comprehended entirely in the transmission of messages between Singapore and Malacca: moreover, he is of opinion that this portion of the line should be wholly British, and in the event of its not being the intention of the Supreme Government to carry on the line from Burmah to the Straits, he earnestly trusts that he may be authorised to accept, under suitable conditions, the offer on the part of Messrs. Fisher and Riley transmitted for consideration with his letter (No. 168), dated the 8th December 1862.

The Hon. *W. T. Fraser*, Her Britannic Majesty's Consul at Batavia, to Colonel *Orfeur Cavenagh*, Governor of the Straits Settlement, Singapore; (No. 302), dated 29 October 1863.

I HAVE the honour to inform you that a measure to unite Singapore and Batavia by means of a telegraph is in project, and that it has obtained the sanction of the Netherlands Indian Government. The wire is to be laid between this and Palembang, thence to the Peninsula of Malacca, and so on to Singapore.

The Government is to grant an annual subsidy of 120,000 dollars, and to advance 1,000,000 dollars free of interest. The cable is to be in working order by December 1864.

In giving you this information, my principal object is to obtain from the Government of the Straits permission for the contractor, Mr. Teu Siethoff, to erect a station in Malacca, and also to inquire whether your Government will further grant an annual subsidy towards the support of the enterprise.

In forming a judgment on the merits of the scheme, I would recommend you not to attach too much weight to the failure of the former cable, which used to work between this and Singapore, as from the terms of the concession granted to Mr. Teu Siethoff, it has been expressly stipulated that the new cable is to be 35 per cent. stronger than the last one. It will also be much better protected against the dangers of the seas.

I trust, therefore, that for the interest and advancement of trade, you will give the requisite permission to erect a station in Malacca, and will also take into consideration the question of granting an annual subsidy.

E. C. Bayley, Esq., Secretary to the Government of India, to Colonel *Orfeur Cavenagh*, Governor of the Straits Settlement; (No. 7835), dated 14 December 1863.

YOUR letter (No. 202), dated the 2nd of November, having been laid before the Governor General in Council, I am directed to intimate that His Excellency in Council concurs generally in the view you have taken in respect of the project set on foot at Batavia for establishing a line of telegraph between Java and Singapore. His Excellency

No. 6834, dated 30
October.

in Council desires, however, that you will consider, with reference to the letter from this Department noted in the margin, how far the proposal to grant an exclusive privilege to Messrs. Fisher and Riley is compatible with the permission which you propose giving to the Dutch contractors to erect stations at Malacca and Singapore, and to work a line between those places.

Captain *J. Burn*, Officiating Secretary to Government of the Straits Settlement, to *E. C. Bayley*, Esq., Secretary to the Government of India; (No. 240), dated Singapore, 22 December 1863.

WITH reference to your letter No. 6834, dated the 30th October 1863, I have the honour, by desire of his Honor the Governor, to forward herewith, for submission to his Excellency the Governor General in Council, copy of a communication of the 3d instant, from Messrs. Fisher and Riley, from which it will be perceived that, provided the desired guarantee is granted, the above firm are quite prepared to undertake the construction of the line of telegraph from this to Penang under the conditions prescribed by the Supreme Government.

2. The estimate for the work is certainly extremely low, and his Honor is inclined to believe that it must necessarily be somewhat exceeded. Messrs. Fisher and Riley, however, bear the character of being good men of business; they have executed several works for Government, and always given satisfaction; and it is therefore but fair to suppose that, even if their calculations have been based upon too low a scale of expenditure, the error will not be one of any great magnitude, and that the line will be duly completed.

3. It is quite out of his Honor's power to form any idea as to the profits to be derived from the undertaking; but from the experience gained by the working of the present line of telegraph between Singapore and New Harbour, and from their acquaintance with the probable demands of the commercial community, he entertains little doubt that Messrs. Fisher and Riley's expectations are founded upon sufficient grounds.

4. The period for which the guarantee is to be given might, in his Honor's opinion, be fairly reduced from 16 to 12 years; and it should be distinctly specified that the guarantee is to be restricted to a line for purely local purposes, so as not to interfere with any direct line between Singapore and India, a line much needed, and which would prove extremely profitable, or give the contractors a claim to heavy compensation in the event of their line being taken over, and that Government messages shall be charged for at the same rate as those despatched for the public.

5. The chiefs of all the native States along the west coast of the Malay Peninsula are apparently well affected towards the British Government; and, should his Excellency in Council be pleased to authorise his addressing them on the subject, his Honor believes that there will be little difficulty in obtaining their consent to the construction of the line through their respective territories.

From Messrs. *Fisher and Riley*, to the Honourable Colonel *Orfeur Cavenagh*, Governor of the Straits Settlement; dated Singapore, 3d December 1863.

IN reply to your Honor's letter, No. 1611, of the 28th November 1863, we beg leave to state—

1st. We are willing that the proposed contract shall be for the transmission of the messages of the Local Government only, or it may include those of the British or Indian Governments, as your Honor may think advisable.

2d. In the event of the asked-for guarantee being granted, we are willing that there be a provision in the agreement enabling the Government to take over the line, at a fair valuation, at any time previous to the expiration of the term guaranteed.

3d. In the event of our failing to conduct the telegraphic service to the satisfaction of the Government, the Government may declare the agreement with us to be at an end.

Captain *J. Burn*, Officiating Secretary to the Government of the Straits Settlement, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 2); dated Singapore, 6 January 1864.

IN acknowledging the receipt of your letter, No. 7835, of the 14th ultimo, I have the honour, by desire of his Honor the Governor, to state, for the consideration of his Excellency the Governor General in Council, that, with reference to the exclusive privilege which it is proposed to grant to Messrs. Fisher and Riley for the construction of a telegraph line between Singapore and Penang, in the event of the Dutch contractors

tors being permitted to erect stations at Singapore and Malacca, it must be on the distinct understanding that at the latter Residency there would be a repeating station only, and that (except as regards messages to and from Malacca and Java) no local messages could be received or delivered.

2. With the view of avoiding unnecessary expense, it is not improbable that, on becoming aware of the concession that it is proposed to grant to Messrs. Fisher and Riley, the Dutch contractors might feel disposed to enter into some arrangement with the above firm, under which but one line would become necessary between Singapore and Malacca.

— No. 2. —

(Telegraph No. 1.)

Sir *Charles Wood*, Bart., M.P., to the Governor General of India in Council.

Sir,

India Office, London, 25 April 1864.

Para. 1. I HAVE had before me in Council, your Excellency's Despatch No. 1, of 15 February last, describing the particulars of a proposal of Messrs. Fisher and Riley, to construct a line of telegraph between Singapore and Penang, and requesting the instructions of Her Majesty's Government with reference to their application for the grant of certain exclusive privileges in connection with their scheme.

2. In reply, I may remind your Excellency, that during the last four years, repeated applications have been made to me by parties in this country for the assistance of the Indian Government in establishing a line of telegraphic communication between Singapore and Rangoon—a line, of which the one projected by Messrs. Fisher and Riley may be regarded as forming part.

3. To all such applications, the answer has invariably been to the effect, that the construction of a line between Rangoon and Singapore can only be considered by me in connection with the construction of much more extended lines beyond Singapore; and that a question of such magnitude can only be dealt with by the Imperial Government. Hitherto, Her Majesty's Government have declined to entertain the question, and I am unwilling to anticipate any conclusion at which they may arrive, by authorising intermediately any concessions to Messrs. Fisher and Riley.

His Excellency
The Right Honourable the Governor General
of India in Council.

I have, &c.
(signed) *C. Wood*.

— No. 3. —

(Victoria—Miscellaneous—No. 25.)

COPY of DESPATCH from Governor Sir *C. Darling* to the Duke of
Newcastle.

Government Offices, Melbourne,
22 March 1864.

My Lord Duke,

UPON the receipt of your Grace's Circular Despatch of the 16th July last, I immediately brought under the consideration of my advisers the question of the expediency of appointing representatives of the different Governments, interested in the establishment of telegraphic communication between Europe and the Australian continent, to meet together and discuss the question in all its bearings.

2. A report upon the subject was obtained from the General Superintendent of Electric Telegraphs on the 10th November last, but it was not until the 22d instant that I received a communication of the views entertained by my ministers.

3. I am now, however, enabled to state, that this Government is prepared to appoint a delegate to confer with delegates from the other Australian Colonies,

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nies, and that as the recommendation of the conference proceeded from the agent of the Government of South Australia, it is presumed that that Government will take the necessary action for convening the meeting of the delegates.

4. Under this supposition, I propose to communicate the acquiescence of the Government of Victoria in the proposed conference to the Governors of South Australia, and the other Australian Colonies interested in the question, in order that if they shall have also acquiesced in the proposal, the time and place for holding the conference may be determined upon.

I have, &c.
(signed) C. H. Darling.

His Grace the Duke of Newcastle, K.G.

— No. 4. —

(No. 17.)

COPY of DESPATCH from Sir *Dominick Daly* to the Duke of *Newcastle*.

South Australia, Government House, Adelaide,
19 April 1864.

My Lord Duke,

REFERRING to your Grace's Circular Despatch of the 16th July, on the subject of telegraphic communication with the Australian continent, I have the honour of informing you that the subject has been for some time before my advisers, who, with every desire to co-operate as far as practicable in a work of such vast importance, are, nevertheless, of opinion that the time has not yet arrived for taking any action in the matter.

Hitherto the success attending the laying down of Submarine Telegraphic Cables has not been such as to induce this Government to entertain any sanguine expectation that telegraphic communication with England will soon be established, but I trust that more encouraging prospects may, ere long, induce active co-operation on the part of this colony.

I am, &c.
(signed) D. Daly, Governor.

His Grace the Duke of Newcastle,
&c. &c. &c.

— No. 5. —

(Civil—No. 38.)

COPY of DESPATCH from Governor Sir C. *Darling* to the Duke of *Newcastle*.

Government Offices, Melbourne,
20 April 1864.

My Lord Duke,

WITH reference to my Despatch, No. 25, of the 22d of March, upon the subject of telegraphic communication between Europe and the Australian continent, I have now the honour to enclose copies of the letters which, in conformity with the intention therein expressed, I addressed to the Governor of South Australia, and to the Governors of New South Wales and Queensland, together with a copy of the reply which I have received from Sir Dominick Daly, by which it appears that the Government of South Australia are of opinion that the time has not yet arrived for taking any action in the matter.

I have, &c.
(signed) C. H. Darling.

His Grace the Duke of Newcastle,
&c. &c. &c.

No. 1.

No. 2.

No. 3.

Enclosure 1, in No. 5.

Governor Sir *C. Darling* to Sir *Dominick Daly*.

Government Offices, Melbourne,
4 April 1864.

Sir,

I DO myself the honour to transmit for your Excellency's information an extract of a Despatch which I have recently addressed to the Secretary of State in reference to the Duke of Newcastle's Circular Despatch of the 16th July last, upon the subject of telegraphic communication between Europe and the Australian continent.

2. I shall be obliged if your Excellency will inform me whether the Government of South Australia is prepared, as my advisers have been led to suppose, to take the initiative in summoning the proposed conference of delegates, and, if so, at what time and place they consider it desirable that such conference should take place.

His Excellency Sir D. Daly,
&c. &c. &c.

I have, &c.
(signed) *C. H. Darling*.

Enclosure 2, in No. 5.

Governor Sir *C. Darling* to the Governors of New South Wales and Queensland.

Government Offices, Melbourne,
4 April 1864.

Sir,

I DO myself the honour to transmit for your Excellency's information, an extract of a Despatch which I have recently addressed to the Secretary of State in reference to the Duke of Newcastle's Circular Despatch of the 16th July last, upon the subject of telegraphic communication between Europe and the Australian continent.

2. I shall be obliged by your Excellency informing me whether or not the Government of New South Wales, has determined upon appointing a delegate, and, if such appointment has been decided upon, whether it acquiesces in the view entertained by my Government, that, under the circumstances stated, the initiative in regard to the conference of delegates should be taken by the Government of South Australia, or has any other plan to propose.

To the Governors of
New South Wales and Queensland,
&c. &c. &c.

I have, &c.
(signed) *C. H. Darling*.

Enclosure 3, in No. 5.

Governor Sir *D. Daly* to Governor Sir *C. Darling*.

Government House, Adelaide,
13 April 1864.

Sir,

I HAVE the honour to acknowledge your Excellency's letter of the 4th instant, transmitting an extract of a Despatch which you had recently addressed to the Secretary of State in reference to the Duke of Newcastle's (Circular) Despatch of the 16th July last, upon the subject of telegraphic communication between Europe and the Australian continent.

In regard to the appointment of delegates to meet in conference for the discussion of the subject therein referred to, I beg to inform your Excellency that the Government of South Australia are of opinion that the time has not yet arrived for taking any action in the matter.

His Excellency Sir C. Darling,
&c. &c. &c.

I have, &c.
(signed) *D. Daly*, Governor.

— No. 6. —

(Civil—No. 50.)

COPY of DESPATCH from Governor Sir C. Darling to the Duke of Newcastle.

Government Offices, Melbourne,

21 May 1864.

My Lord Duke,

16 April 1864. REFERRING to my Despatches, No. 25, of the 22d March last, and No. 38, of the 20th April last, I have now the honour to transmit a copy of the letter and enclosure which I have received from the Governor of Queensland, in reply to the communication which I made to him upon the subject of telegraphic communication between Europe and the Australian continent.

2. I propose to forward a copy of this communication to the Governor of South Australia with reference to his letter, which, in my Despatch, No. 38, I have already communicated to your Grace. I have not yet been favoured with any intimation of the views upon this subject which are held by the Government of New South Wales.

I have, &c.

(signed) C. H. Darling.

His Grace the Duke of Newcastle, K.G.

&c. &c. &c.

Enclosure in No. 6.

Governor Sir G. Bowen to Governor Sir C. Darling.

Government House, Brisbane, Queensland,

16 April 1864.

Sir,

15 April 1864. I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of the 4th instant, and in reply to transmit copy of a Minute of my Executive Council, in which I concur, and from which you will perceive the views of the Government of Queensland upon the subject of telegraphic communication between Europe and the Australian continent. This colony will be ready to send a delegate to the proposed conference when the time and place of meeting shall have been settled.

I have, &c.

(signed) G. F. Bowen.

His Excellency Sir C. H. Darling, K. C. B.

&c. &c. &c.

Melbourne, Victoria.

EXTRACT from the Minutes of the Proceedings of the Executive Council of Queensland, on 15th April 1864.

Present:—His Excellency the Governor in Council.

HIS Excellency the Governor lays before the Council a letter from his Excellency the Governor of Victoria, dated the 4th instant, requesting to be informed whether the Government of Queensland has determined upon appointing a delegate to attend the proposed Intercolonial Conference on the question of telegraphic communication between Europe and the Australian Colonies, such conference having been suggested by the Government of South Australia, and covering an extract from a Despatch lately addressed by his Excellency Sir Charles Darling to the Secretary of State, in which the concurrence of the Government of Victoria in the proposed conference is notified. The Council deliberate. The Circular Despatch of his Grace the Duke of Newcastle, suggesting the expediency of the course now recommended, was brought under the consideration of the Council at the time of its receipt by his Excellency in September last, but it was then considered advisable that any action on the part of the Government of Queensland should be postponed until further information might be obtained with respect to the probable cost of the overland portion of the line, as well as with respect to the probability of the sub-marine lines *viâ* Java and Singapore to India being constructed at an early date.

Since

Since that time the progress of the telegraphic extensions in Queensland in the direction of the Gulf of Carpentaria has been so satisfactory that the Government need not hesitate to undertake, unassisted, the construction and maintenance of the whole of the overland lines required to connect the Southern Colonies with England, and the annual subsidy required by the promoters of the Java Australian Telegraph (a portion of which it is understood that the Imperial Government is willing to contribute) can easily be provided, in such proportions as may be agreed to by the several Colonies.

It is believed that Sir Charles Bright and Mr. Latimer Clarke, the telegraphic engineers, who are now superintending the laying of the Submarine Telegraph to India, will shortly proceed to Australia for the purpose of making the necessary arrangements for the connection of those Colonies with England. The Council are, therefore, of opinion that it is now expedient that the proposal for a conference, in which the necessary preliminaries can be arranged, should have the concurrence of the Government of Queensland.

The papers before the Council do not state whether it is proposed that the superintendents of telegraphs in the several Colonies should act on this occasion as delegates, but it is suggested that the nomination of these gentlemen would be, in several ways, advantageous.

It will probably be desirable that the delegates should be instructed to consider at what precise point of the northern coast the submarine line should meet the overland extension. It is almost certain that an important settlement will shortly be founded at or near the mouth of the Albert River, at the head of the Gulf of Carpentaria. Provision was made by the Legislature of Queensland, in the Session of 1863, for the immediate extension of the telegraphic line from Brisbane, *via* Rockhampton to Port Denison; and it is expected that this extension will be completed in the course of 12 months from the present time. There are already pastoral settlers on the banks of the Rivers Flinders and Lynd, within two hundred (200) miles of the Gulf of Carpentaria, and there will probably be stations on the shores of the gulf in the course of next year. No part of the proposed line will, therefore, pass through an unsettled country.

The Council request his Excellency the Governor to be pleased to communicate to his Excellency Sir Charles Darling the concurrence of the Government of Queensland in the proposal now under consideration, and to invite further information respecting the time and place of meeting, and other details connected with the conference.

(signed) *A. W. Manning,*
Clerk of the Council.

— No. 7. —

(No. 60.)

COPY of DESPATCH from Governor Sir *John Young* to the Right Honourable
E. Cardwell, M.P.

Sir,

Government House, Sydney,
18 July 1864.

IN accordance with the instructions conveyed in the Duke of Newcastle's Circular Despatch, of date 16th July 1863, I have duly consulted with my responsible advisers as to the expediency of representatives being appointed by the different Governments concerned, to meet together and discuss in all its bearings the question of telegraphic communication between England and Australia.

The ministers have informed me that, in their opinion, it is not at present expedient to hold such a conference.

I have, &c.
(signed) *John Young.*

The Right Hon. E. Cardwell.

— No. 8. —

(Victoria—Miscellaneous—No. 70.)

COPY of DESPATCH from Governor Sir *C. Darling* to the Right Honourable
E. Cardwell, M.P.

Government Offices, Melbourne,
20 July 1864.

Sir,

WITH reference to my previous Despatches, Nos. 25, 38, and 50, dated respectively the 22d March, 20th April, and 21st May 1864, I have now the honour to transmit the copy of a letter from the Governor of New South Wales, informing me that his advisers are of opinion that it is not expedient at present to hold a conference of delegates upon the subject of telegraphic communication between Europe and the Australian colonies.

I have, &c.
(signed) *C. H. Darling*.

The Right Hon. *E. Cardwell*, M.P.
&c. &c. &c.

Enclosure in No. 8.

Governor Sir *John Young*, Bart., to Governor Sir *C. Darling*, K. C. B.

Government House, Sydney,
20 June 1864.

Sir,

I HAVE the honour to acknowledge the receipt of your Excellency's communication of the 31st ultimo, upon the subject of telegraphic communication between Europe and the Australian colonies, and to inform you, in reply, that my responsible advisers, having duly deliberated upon the question, are of opinion that it is not expedient at present to hold the proposed conference of delegates.

His Excellency Sir *Charles Darling*, K. C. B.
&c. &c. &c.

I have, &c.
(signed) *John Young*.

— No. 9. —

The Chairman of the Anglo-Australian and China Telegraph Company to Sir
Charles Wood, Bart., M.P.

Anglo-Australian and China Telegraph Company, Limited,
16, Tokenhouse Yard, E. C., 17 June 1864.

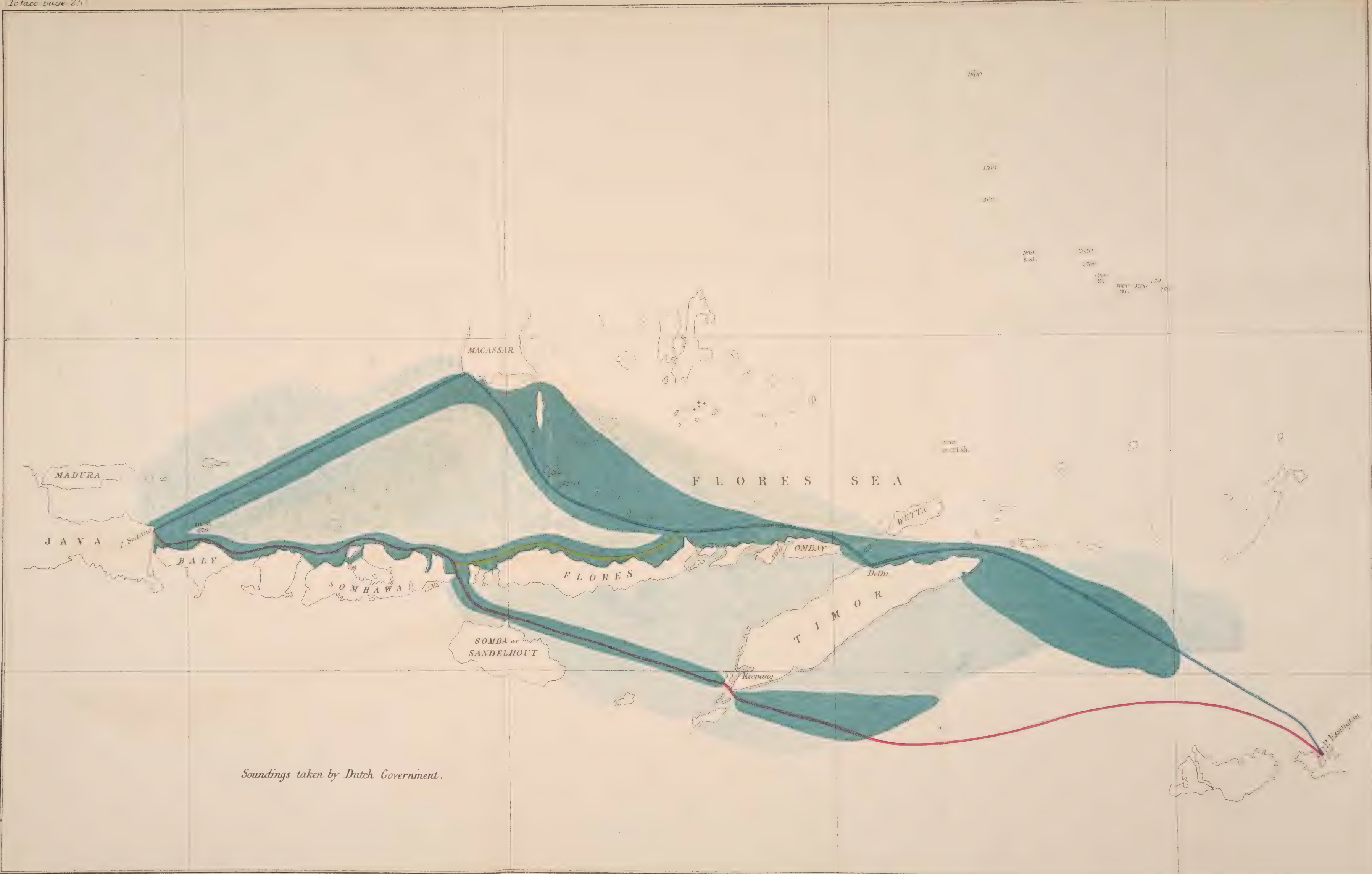
Sir,

I do myself the honour to inform you that the Directors of the above Company, after their interview with you on the 6th of February last, have endeavoured to obtain assistance from the Treasury for the extension of the Telegraph system from Singapore to China and Australia, in order to enable you to carry out your intention, as expressed at the interview above referred to, viz. : that of constructing yourself, or assisting others to construct, the line Rangoon to Singapore, so soon as you were satisfied that the extensions eastward would be carried out.

I regret to state that the Lords Commissioners of Her Majesty's Treasury have declined to afford any pecuniary assistance, and that the Chancellor of the Exchequer deemed it unnecessary to receive a deputation of the Directors of this Company who were particularly desirous of personally explaining their views and of drawing his attention to the vast national importance of the undertaking in question.

You have, Sir, I believe, been made acquainted by the minister of His Netherlands Majesty, that his Government demand to be satisfied that the line Rangoon to Singapore shall be constructed before they confirm to this Company a subsidy, already conditionally granted, for the line Singapore to Java.

The





REFERENCE				
Proposed Line	Alternative Line via Delhi	Alternative Line via Madras	Depth	
Knots	Knots	Knots	Fathoms	
1,2000			50	
600			23	
1,830	1820	1896	20 to 80	first 830 Knots not sounded
2,500			20 to 50	last 1000 Knots 20 to 80 fms
Total Distance	6130	6120	6196	

ANGLO AUSTRALIAN & CHINA
TELEGRAPH COMPANY, LIMITED
GENERAL MAP OF
TELEGRAPH LINES
between
ENGLAND & AUSTRALIA
1864.

Lines now in working
" in course of construction
" proposed by the Company
Alternative Lines (Submarine)
Proposed Telegraph Stations

The Directors, in their desire to have this undertaking carried out without further delay, have now no other course left open to them than to appeal to the public for the means of constructing the line Rangoon to Singapore without subsidy or financial assistance from Her Majesty's Government.

The prospectus which I have the honour to enclose for your information will be brought before the public with the view of raising the necessary capital; but before taking this step the Directors have deemed it right to bring their intentions under your notice, and venture at the same time to express a hope that they will receive from you an assurance that Her Majesty's and the Indian Governments view this undertaking with favour, and will give the necessary instructions to ensure the Company's receiving every reasonable facility and support at the hands of the authorities.

The Right Honourable
Sir Charles Wood, Bart., M.P.,
Secretary of State for India,
&c. &c. &c.

I have, &c.
(signed) C. H. Ebdon,
Chairman.

Enclosure in No. 9.

(*Provisional Prospectus*).

ANGLO-AUSTRALIAN AND CHINA TELEGRAPH COMPANY, LIMITED.

Incorporated under "The Companies' Act, 1862."

First Section—INDIA (RANGOON) to SINGAPORE, 1,200 Nautical Miles.

Issue of Capital for First Section £.450,000, in 22,500 Shares of £.20 each.

CHAIRMAN, C. H. Ebdon, Esq. (formerly Treasurer for Victoria.)

DIRECTORS.

E. Fox, Esq. (Haliday, Fox & Co., 17, Leadenhall-street, E. C.)
Alexander Fraser, Esq. (Bedwell-park, Herts; late H. B. M. Consul, Java.)
W. Gladstone, Esq. (J. Thomson, T. Bonar, & Co.)
Rear-Admiral Hall, C.B., F.R.S. (Director of the Peninsular and Oriental Steam Navigation Company.)
John Harvey, Esq. (Director of the Borneo Company, Limited; late of Singapore.)
The Lord John Hay, R.N., C.B., Travellers' Club, London; and Yester, Haddington.
T. M. Mackay, Esq. (Black Ball Line of Australian Packets.)
M. H. Marsh, Esq., M.P. (Rambridge, Andover, and of Queensland.)
Geo. G. Nicol, Esq. (8, Queen's Gate-terrace, W., late of Singapore.)
John Pender, Esq., M.P. (Manchester and London, and Director of the Atlantic Telegraph Company.)
Robert Smith, Esq. (Robert Smith & Co., 13, Leadenhall-street, E. C.)
Major-General G. B. Tremenhare (Director of the Pernambuco Railway Company.)
James A. Youl, Esq. (Waratah House, Clapham Park, and of Tasmania.)

SOLICITORS.

Messrs. Wilson, Bristows, & Carmichael (1, Copthall Buildings, E.C.).

ENGINEERS.

Messrs. Bright & Clark, and Messrs. Forde & Jenkin.

BANKERS.

For ENGLAND—The Consolidated Bank, Limited.

For INDIA and CHINA—The Chartered Mercantile Bank of India, London, and China.

For AUSTRALIA—The Bank of New South Wales.

SECRETARY (pro tem.).

Charles Lewall, Esq.

TEMPORARY OFFICES—16, Tokenhouse-yard, E.C.

THE immediate object contemplated by this Company is to establish a Submarine Line of Telegraph between Rangoon and Singapore.

The length of the proposed line will be 1,200 nautical miles, with intermediate stations at King Island, or some other point, and at Penang.

As regards the future extensions beyond Singapore, it may be stated that the Dutch Government have provisionally granted an annual subsidy for the continuation of the line from Singapore to Batavia, and that, in 1860, the Australian Colonies voted or promised annual subsidies for the extension of the line from Java to Australia. The Australian telegraph system is now being rapidly extended towards the Gulf of Carpentaria.

The directors believe that the Australian subsidies will be revived so soon as the India-Singapore Telegraph is in hand.

It is confidently expected that the French Government will assist the extension of the line from Singapore to their settlement at Saigon, which is on the route to Hong-Kong and Shanghai. The support of the British Government will also be sought.

As regards the India-Singapore Telegraph, proposed to be first undertaken, a statement of the estimated annual expenditure and receipts is annexed, and has been framed on the assumption that the rate of traffic on this section will only equal that which existed on the Malta-Alexandria Telegraph in the last quarter of 1863, the official returns for which show that the receipts were not far short of double those of the first quarter, and that a proportionate increase occurred in 1862.

The same rate of tariff as that charged by Her Majesty's Government on the Malta-Alexandria Telegraph has been adopted in this estimate, with a deduction on account of the shorter length of the proposed line, and 10 per cent. has been deducted from the estimated gross receipts to be set aside as "a reserve fund," as is done in the case of the Malta-Alexandria Line.

On this basis the estimated net dividend of the India-Singapore Telegraph will exceed $12\frac{1}{4}$ per cent.

The proposed telegraph will place India in direct telegraphic communication with Singapore and the Straits of Malacca, thus also reducing the time of communicating with Java, the Straits of Sunda and China, to little more than the time occupied by the mail steamers respectively between Singapore, Batavia, Hong-Kong, and Shanghai. The proposed line will also be a continuation of the telegraph expected to be completed shortly between Great Britain and India.

The trade, therefore, of India and Europe with Singapore, Java, and China, will be accommodated by the India-Singapore Telegraph.

The total trade from these various sources represents an annual value of 75,000,000 £., employing 10,500 European vessels, including repeated voyages, irrespective of the large coasting trade carried on in native vessels.

The great amount of shipping passing through the Straits of Malacca and of Sunda will use the India-Singapore Telegraph for communications with shipowners, consignors, and consignees of cargo, insurers, &c. The State messages of the Indian, British, and foreign Governments will add to the revenue expected from shipping, commercial, and private sources.

The line between India and Singapore can be completed in about 18 months, and the cable can be laid near the coast in a depth not exceeding 50 fathoms. The permanence of the work is thus secured, and any necessary repairs can be effected with speed and certainty.

The same depth prevails between Singapore, Hong-Kong, and Shanghai, and for the greater portion of the distance to Australia.

The first issue of capital has been fixed at an amount large enough to allow for payment of interest to the proprietors at the rate of 5 per cent. per annum during the construction of the telegraph; and the proprietors will be invited to sanction this arrangement at their first general meeting.

The company is constituted for an entire system of telegraphs between India, Singapore, China, Java, and Australia, and the holders of shares issued in the India-Singapore Telegraph will have the option of sharing proportionately in the new issues for further extensions.

London, June 1864.

INDIA (RANGOON) SINGAPORE TELEGRAPH.

1,200 Nautical Miles in Length.—Cost, £. 450,000.—Depth, 50 Fathoms.

ESTIMATED ANNUAL RECEIPTS AND EXPENSES.

ANNUAL RECEIPTS.		ANNUAL EXPENSES.	
57,500 single Messages (the rate at which the Malta-Alexandria Telegraph is transmitting Messages), at 1 l. 7 s. 6 d. (proportionate tariff rate of Malta-Alexandria Telegraph) - -	£.	Annual Working and Maintenance :—	
	79,063	Company's Expenses	£.
		in London - -	4,000
		Four Stations, at	
		3,000 l. each -	12,000
		10 per cent. of Gross	
		Receipts (79,063 l.)	
		to be set aside as	
		"a Reserve Fund" -	7,906
			23,906
		Leaving a balance of 55,157 l.,	
		equal to a Dividend of over 12½	
		per cent. on the capital of	
		450,000 l. - - -	55,157
£.	79,063	£.	79,063

To the DIRECTORS of the ANGLO-AUSTRALIAN and CHINA TELEGRAPH COMPANY, Limited.

Gentlemen,

WE, the undersigned, request you to allot to us respectively the number of Shares, of 20 l. each, in the above-mentioned Company, set opposite to our respective names; and we hereby agree to accept such Shares, or any less number that may be allotted to us, and to become Members of the Company in respect thereof; and we request that our names may be placed on the Register of Members accordingly.

Name in full.	Signature.	Address and Description.	Number of Shares.	Date.

— No. 10. —

The Under Secretary of State, India Office, to the Chairman of the Anglo-Australian and China Telegraph Company.

Sir, India Office, 22 June 1864.

I AM directed by the Secretary of State for India to acknowledge receipt of your letter of the 17th instant, announcing that the directors of the Anglo-Australian and China Telegraph Company have resolved to appeal to the public for the means of constructing a line from Rangoon to Singapore, without subsidy or financial assistance from Her Majesty's Government, and expressing a hope that Her Majesty's and the Indian Governments view the undertaking with favour, and will give the necessary instructions to insure the Company's receiving every reasonable facility and support at the hands of the authorities.

In reply, I am directed to state that Sir Charles Wood will communicate with the other departments of Her Majesty's Government on the subject.

In the meantime, he requests to know what facilities the Company wishes to have afforded to them.

C. H. Ebdon, Esq.,
Chairman, Anglo-Australian and China
Telegraph Company.

I am, &c.
(signed) *Wodehouse.*

— No. 11. —

The Chairman of the Anglo-Australian and China Telegraph Company to the
Under Secretary of State, India Office.

Sir, 16, Tokenhouse-yard, E.C., 28 June 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 22d instant, in reply to mine of the 17th instant, in which you intimate your intention of communicating with the other departments of Her Majesty's Government; and in the meantime you request to know what facilities this Company wish to have afforded to them.

In accordance with this request I now venture to bring under your consideration a few of the more material points which immediately occur to me on which the assistance of Her Majesty's Government might, I would suggest, be reasonably extended to this Company:—

1. Her Majesty's Government to extend their land line at Rangoon to the point of landing of the Anglo-Australian and China Telegraph Company's submarine telegraph cable, near Rangoon, and to give the Company the right of connecting their wires with those of the Government.

2. The Company to have a joint station with Her Majesty's Government at Rangoon, and to have the right of working the connecting land line by their own officials.

3. The grant or free use and occupation of land for stations and land connections at Rangoon, King Island, Penang and Singapore, or any other points that may be determined upon for stations.

4. Her Majesty's Government to verify the soundings on the existing charts between Rangoon and Singapore on the line proposed for the cable, as will be shown on a tracing, to be hereafter supplied; and,

5. Her Majesty's Government to order a steamer to pilot the cable ships during the process of laying.

I avail myself of the present opportunity to state that the Company are quite prepared to meet, in a liberal spirit, the wishes of Her Majesty's Government, in determining the tariff and general traffic arrangements for the transmission of State messages, upon the Government undertaking to transmit all their messages over the lines of the Company for a term of years.

I have, &c.
(signed) *C. H. Ebdon,*
Chairman, Anglo-Australian and China
Telegraph Company, (Limited).

— No. 12. —

The Under Secretary of State, India Office, to the Chairman of the Anglo-Australian and China Telegraph Company.

Sir,

India Office, 21 July 1864.

I AM directed by the Secretary of State for India to acknowledge the receipt of your letter of the 28th ultimo, describing the nature of the facilities which the Anglo-Australian and China Telegraph Company seek to obtain from the Government of India.

In

In reply, I am directed to state that Sir Charles Wood is not prepared to authorise the concessions enumerated: a connecting land line between the Company's point of landing and the terminus of the Government line at Rangoon ought obviously, if the Company are to have the right of working it by their own officers, to be constructed at the Company's expense. The free grant of land which the Company might otherwise have to purchase or lease would, so far as it went, be tantamount to a pecuniary contribution, and so likewise would be the gratuitous commissioning of a Government steamer to pilot the cable ships during the process of laying; neither are the Government disposed to undertake the verification of the soundings in the existing charts on the line proposed for the cable.

Lastly, Sir Charles Wood is not prepared to enter into an engagement on the part of Government to transmit all its messages over the Company's lines for a term of years, the effect of which would be to give the Company a monopoly during the period.

C. H. Ebdon, Esq.,
Chairman, Anglo-Australian and China
Telegraph Company.

I am, &c.
(signed) *Wodehouse.*

— No. 13. —

The Under Secretary of State, India Office, to the Secretary of the Treasury.

Sir,

India Office, 22 July 1864.

I AM directed by Sir Charles Wood to transmit for the consideration of the Lords Commissioners of the Treasury copies of a correspondence which has taken place with the directors of the Anglo-Australian and China Telegraph Company on the subject of the construction of a line of telegraph between Rangoon and Singapore. It will be seen from the last letter of the series, that Sir Charles Wood is not disposed to grant any of the special "facilities" applied for by the Company; but before addressing the Government of India respecting their project, he would be glad to receive any observations which their Lordships may have to make with reference to the general subject of telegraphic communication with countries beyond Singapore.

Nos. 9, 10, 11, and
12 of this return.

I am, &c.
(signed) *Wodehouse.*

The Secretary of the Treasury.

— No. 14. —

The Secretary of the Treasury to the Under Secretary of State, India Office.

My Lord,

Treasury Chambers, 6 August 1864.

IN reply to your Lordship's letter of the 22d ultimo, I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Secretary Sir Charles Wood, that my Lords have only to remark that they continue of opinion that they would not be warranted in rendering assistance from Imperial funds by subsidy, or otherwise, towards the establishment of a telegraphic communication with countries in the East beyond Singapore.

The Lord Wodehouse.

I am, &c.
(signed) *F. Peel.*

— No. 15. —

Sir,

6, Duke-street, Adelphi, 12 December 1864.

or Provisional
prospectus
and Map,
pp. 17, 18.

I AM desired by the Directors of the Anglo-Australian and China Telegraph Company to enclose to you their provisional prospectus and map, also copy of a report dated 27th May 1864, with enclosures, addressed to the chairman by the Company's engineers, upon the soundings which are required to be taken between the East end of Java, Timor, and Port Essington, on the Northern Coast of Australia.

The other seas proposed to be traversed by the Company's cables are already sufficiently sounded for preliminary purposes.

I am directed to point out to you that a knowledge of the depth of the sea in question is required not only with a view to enable the Company to lay the telegraph cable, but also in order to place them in an advantageous position to make an appeal to the public for funds to construct that portion of the proposed telegraphic system.

Upon the depth which exists over this section will depend whether the telegraph cable can or cannot be subsequently raised in order to effect repairs, and the importance of this facility to the permanence of the work will be self-evident.

The directors hope that the Lords of the Admiralty will cause the required soundings to be taken, both in the interests of the undertaking, and on account of their importance for other purposes, and thereby obtain information, the want of which is so much felt.

I have, &c.
(signed) *Francis Gisborne.*
Secretary (*pro tem.*)

The Secretary of the Admiralty,
Whitehall, S.W.

(P. Pro. *H. C. Forde.*)

Enclosure in No. 15.

Dear Sir,

27 May 1864.

IN answer to your request, we have the pleasure of handing you the following report on the subject of the soundings, desired by the Anglo-Australian and China Telegraph Company.

The present report treats exclusively of the seas between Java and Australia, inasmuch as the other portions of the line have been already sufficiently explored, at least for preliminary purposes.

The officer intrusted with the examination should be instructed that the object of the soundings is to find the best route for a cable to connect the East of Java with Australia, in the neighbourhood of Port Essington, and he should be made aware that the important points for submarine cables are distinct from those affecting general navigation, in order that time may not be spent in surveying minutely districts which a cursory examination may show to be wholly unsuited for the end in view.

The conditions to be fulfilled by a good route, are as follows :—

1. The depth of water should not exceed 100 fathoms, nor be less than 30 fathoms.
2. The bottom should be mud, sand, or gravel; rock, coral, sudden changes in depth, and all volcanic formations should be avoided. 150 fathoms in mud or sand is preferable to 50 fathoms on rock or coral.
3. The route should be, when possible, within sight of land, or near convenient landmarks, in order that position of the cable may be easily found when it is desired to dredge for it to repair faults.
4. Anchoring, fishing, and dredging-grounds must be avoided. With this object it is best to keep a few miles off the shore.
5. Strong currents are to be avoided if possible, but they are not very objectionable where the bottom is good.
6. The route should be as direct as is consistent with the fulfilment of the above conditions.

In

In order to select a suitable line between the above-named points, a general examination of all those seas, which are coloured blue on the accompanying chart, is desirable, in order to distinguish the deep from the shallow water basins.

A very cursory examination might show that some or a great part of the ground is wholly unsuited for our purpose, and time need not then be spent in a minute examination of those parts.

If time or money are wanting for the general examination, then the bands coloured with a deeper tint might alone be examined, since these will probably, according to the present state of our knowledge, contain the route to be ultimately adopted.

The blue, red, and yellow lines show three routes, which have been proposed; in the absence of soundings, no decided preference can be given to one of these, nor can any one of them be said with certainty to be practicable. Of the three we are somewhat of opinion that the blue line will be found best.

At present we know that the seas to the south of Java, Sumba, and Timor, are very deep and unsuited for our purpose; that the sea to the north of Java, called the Java Sea, is shallow, but we do not know how far this shallow water extends eastward towards the Flores Sea. Recent Dutch soundings show that great depths exist in the neighbourhood of Guming Api, and near the Banda Isles; so that the whole of the Banda Sea is probably a deep water basin. We would suggest that the first object of the officer in charge of the expedition should be to find the line of demarcation between the shallow water to the west in the Java Sea and the deep water to the east in the Banda Sea.

The Dutch naval authorities have expressed opinions that the northern part of the Flores Sea is shallower than the portions immediately adjoining Flores and Ombay.

Nothing seems to be known of the sea between Flores, Ombay, and Timor, but the Dutch hydrographers are of opinion that deep water will be found there.

When a shallow water route has been found between Java and Timor, either by hugging the land or by passing northward to Celebes, the sea between Australia and Timor should be examined.

This is known to be shallow in the neighbourhood of Australia, but a channel of deeper water seems to exist to the south-east of Timor. The general depth and direction of this channel should be determined, showing whether it runs without interruption by any shallow bank into the deep water of the Banda Sea.

When a route has been selected, after a general examination, the soundings along this route cannot be too numerous or minute.

A contour map of the bottom is the object to be arrived at.

The soundings should be not more than one mile apart, the nature and composition of the bottom should be accurately observed, as well as the temperature of the water at various depths.

Old soundings should, where possible, be verified, as they have in other seas been frequently found very inaccurate.

We enclose a list of deep-sea soundings by Lieutenant Siedenburgh, of the Netherlands Royal Navy, not marked on any of the existing Dutch or English charts.

We have placed them on the chart accompanying this report in red ink.

We are, &c.

(signed) *Forde & Fleming Jenkin.*
Bright & Clark.

C. H. Ebdon, Esq.
Chairman of the Anglo-Australian and China
Telegraph Company (Limited).

DEEP-SEA SOUNDINGS on Board H. N. M. Brigg "Cachelot," Captain Lieutenant
A. F. Siedenburg, Commanding.

DATE.	Latitude.	Longitude (Greenwich).	Fathoms.	Species of the Bottom brought up.
	° ' "	° ' "		
17 April 1858 - -	7 56 0 Zd.	115 10 0 E.	670	Mud and stones.
30 " " - -	6 40 0 "	126 47 0 "	2,700	Mud, coral, and shells.
29 May " - -	3 51 0 "	128 2 30 "	990	Sand and shells.
30 " " - -	3 6 30 "	127 28 0 "	500	Ditto - ditto.
31 " " - -	2 56 0 "	127 30 0 "	1,700	By the breaking of the line no bottom.
1 June " - -	1 19 15 "	127 15 15 "	1,800	Ditto - ditto.
17 October - -	4 25 0 "	130 0 0 "	250	Sand.
17 " " - -	4 20 0 "	129 51 0 "	570	Sand.
17 " " - -	4 21 0 "	129 42 0 "	1,200	Mud.
18 " " - -	4 20 0 "	129 26 0 "	4,000	Mud and clay.
19 " " - -	4 12 0 "	129 5 0 "	1,200	Ditto - ditto.
20 " " - -	3 52 0 "	128 51 0 "	2,050	Ditto - ditto.
16 December - -	4 0 0 "	128 53 0 "	2,700	Ditto - ditto.
10 January 1859 - -	1 15 0 Nd.	125 32 0 "	1,250	Sand.
11 " " - -	0 53 0 "	126 52 0 "	1,150	Ditto.
12 " " - -	0 52 0 "	127 16 0 "	1,950	Ditto.

Hees, 16 January 1864.

(signed) A. F. Siedenburg.

— No. 16. —

6, Duke-street, Adelphi, London, W.C.,
8 February 1865.

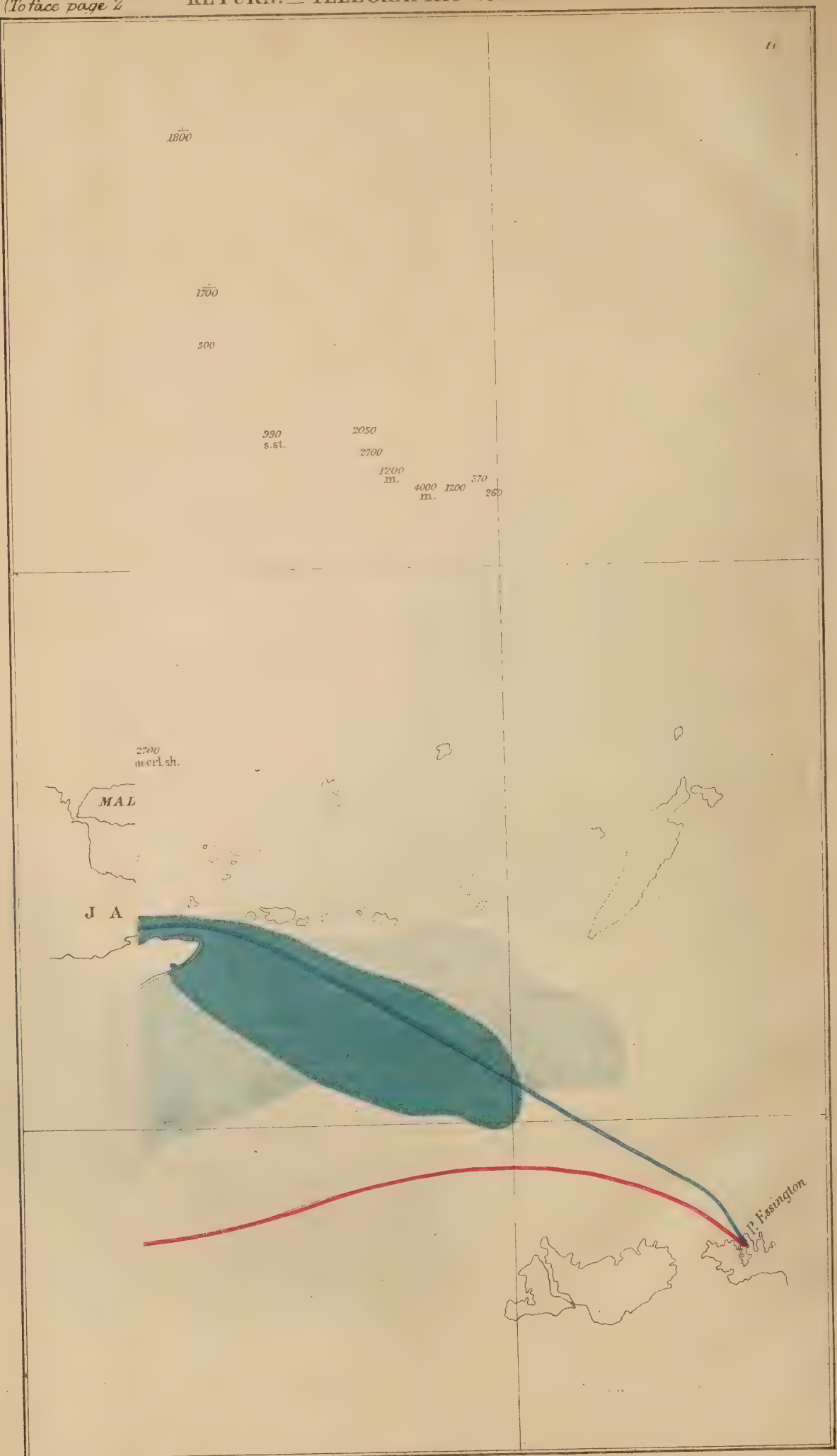
Sir,
I HAD the honour, on the 12th of last December, to address a letter to you by the desire of the directors of the Anglo-Australian and China Telegraph Company, requesting to know whether the Lords of the Admiralty would cause soundings to be taken between the East end of Java, Timor, and Port Essington, for the purposes of a proposed telegraph cable between India and Australia.

In that letter the reasons are stated which render it absolutely necessary for the Company to be in possession of the required soundings; before they can proceed with that portion of their undertaking, and as the Admiralty have, on several previous occasions, such as in the cases of the Dardanelles and Egyptian, Red Sea and India and Atlantic Telegraphs, afforded similar assistance, the directors trust that the Admiralty will not refuse compliance with this request, and will inform them of the decision come to as early as may be convenient.

I have, &c.
(signed) F. Gisborne,
Secretary (*pro tem.*).

To the Secretary of the Admiralty.





— No. 17. —

ELECTRIC CABLE between Java and Australia.
Anglo-Australian and China Telegraph Company.

16 December 1864.

THE line over which the Company propose to lay this cable passes through the Java, Flores, and Arafura Seas, and measures a distance of nearly 1,500 miles; over the greater part of this space we have at present scarcely any soundings, and the few we have render it probable that considerable difficulties will be encountered as regards the great depth of water.

It is impossible to undertake such an enterprise as laying this cable until the route has been sounded, and it is probable that two or three will require to be examined before a suitable line can be decided on.

If Government undertake to make the necessary survey of the sea bottom, and I scarcely see how it can be otherwise effected, there are two courses open, viz., either—

To send the “Rifleman” from the China Sea to perform the task, or to commission a vessel for the China station on the plan lately proposed by me as an auxiliary surveying ship. The first plan would be attended with much inconvenience, inasmuch as the “Rifleman” would be diverted from very important work for a whole season, and, moreover, on account of her small power she is not well adapted for such a duty. She is also next year to receive new boilers, and probably would not be able to undertake it until the beginning of 1866.

Again, very large quantities of sounding materials, as well as a small steam-engine for heaving the line in, would have to be sent out to her.

Therefore, if their Lordships decide to comply with the application of the Company, I recommend that a suitable vessel be commissioned as an auxiliary surveying vessel for China, and be directed to carry out these soundings in the first instance, before proceeding to the station. The soundings, and the examination of certain points of land on the routes as termini for the short ends, would probably fully occupy a vessel for the greater part of the first year of her commission.

We are very superficially acquainted with the hydrography of those seas, nor can it be denied that as a question of physical geography; independent of the importance of establishing telegraphic communication between Great Britain and the Australian colonies, the examination of the sea bottom between Java and Australia is one of very considerable interest to science.

(signed) *Geo. Henry Richards,*
Hydrographer.

— No. 18. —

DEEP-SEA SOUNDINGS.

22 December 1864.

THE most suitable vessel for obtaining these soundings would, I think, be a paddle sloop; she could obtain coal at Sourabaya (east end of Java), at Macassar, and a supply could be placed at Cape York, or some other point of North Australia for her.

If no paddle sloop is available, one of the 2d class screw corvettes would answer; that could command a speed of eight knots.

As regards the estimate for the hydrographer's part of the undertaking, supposing the vessel to be a regular ship of war on the Auxiliary Surveying Plan as proposed by me, a certain amount of surveying pay for the officers, and the price of the material, sounding-line, and machines, instruments, &c., would be all that would come out of Vote 5. The sounding material would amount to a considerable sum, and as soon as I have made the necessary inquiries I will forward a statement.

No surveying vessels beyond those already employed will be required for the ensuing financial year, except the one vessel already applied for to carry out the home surveys, in lieu of three small vessels lately paid off.

(signed) *Geo. Henry Richards,*
Hydrographer.

— No. 19. —

ESTIMATE of the probable Cost of fitting a Ship of War as an Auxiliary Surveying Vessel for the purpose of obtaining Deep-Sea soundings in connexion with the proposed Telegraphic Route between Java and Australia.

	£.	s.	d.
1. Surveying Instruments - - - - -	250	-	-
2. For Deep-Sea Sounding-Lines (Newall's) - - - - -	2,300	-	-
3. " " Sinkers, Lead and Iron - - - - -	160	-	-
4. " " Fitting Vessel with Deck Engine, Reels, Derrick, &c. - - - - -	200	-	-
5. " " Instruments - - - - -	80	-	-
6. " " Natural History, Stores - - - - -	20	-	-
AMOUNT of FIRST COST - - - - - £.	3,010	-	-
Annual Expense for Pay of Officers and Contingencies - - - £.600.			

This is in continuation of a Report called for by the Board on the 21st December, the details of which could not then be correctly ascertained.

(signed) *Geo. Henry Richards,*
Hydrographer.

Admiralty, 4 February 1865.
ESTIMATED Cost for One Year of Her Majesty's Steam Sloop "Desperate," of 400 Horse-Power, with 175 Men; Complement when last in Commission.

	£.	
Wages - - - - -	7,500	
Victuals - - - - -	3,278	
Hull, masts, sails, rigging, stores, wear and tear - - - - -	3,536	An average of three years, per last Commission.
Machinery, &c. - - - - -	1,380	
Coals - - - - -	2,865	
Medicines - - - - -	36	
Pilotage - - - - -	cannot be estimated.	
TOTAL - - - - - £.	18,595	

(signed) *J. Beebey,*
Accountant General.

ESTIMATE of the First Cost of preparing the "Desperate" for obtaining the Deep Soundings requested by the Anglo-Australian Telegraph Company, together with the Annual Cost of maintaining her.

	£.
Comptroller, for repair of hull - - - - -	10,000
Ditto, for machinery - - - - -	1,980
Hydrographer, surveying instruments, sounding-gear, &c. - - - - -	3,000
FIRST COST - - - - - £.	14,980
Accountant General, wages, victuals, &c. one year - - - - -	18,595
Hydrographer, pay of surveying officers, &c. - - - - -	600
ANNUAL EXPENSE - - - - - £.	19,195

(signed) *George Henry Richards,*
Hydrographer.

6 February 1865.

— No. 20. —

Gentlemen,

Admiralty, 10 February 1865.

IN reply to your letter of the 8th February, requesting to be informed whether my Lords Commissioners of the Admiralty would cause soundings to be taken between the east end of Java, Timor, and Port Essington, for the purpose of a proposed telegraph cable between India and Australia, I am commanded by their Lordships to acquaint you, that they are informed the survey requested would probably occupy at least 12 months, and that the expense of fitting a vessel, and supplying her with the necessary instruments, would amount to 3,000 *l.*, in addition to the ordinary repairs of the ship selected. The annual cost of a suitable vessel would amount to 19,000 *l.*, which, with 2,000 *l.* for wear and tear, and the 3,000 *l.* mentioned above, would make a total cost of 24,000 *l.* for one year's service. The additional cost for any longer period would be 1,600 *l.* per month.

Before taking any further steps in this matter, my Lords would wish to receive from your Company an assurance that they are prepared to meet this expense, and to defray the cost in such manner as may be agreed upon.

I am, &c.

(signed) *W. G. Romaine.*

The Directors of the
Anglo-Australian and China Telegraph Company,
6, Duke-street, W.C.

— No. 21. —

6, Duke-street, Adelphi, London, W.C.,

13 February 1865.

Sir,

I AM desired by the directors of the Anglo-Australian and China Telegraph Company to acknowledge the receipt of the letter of the Lords of the Admiralty, of the 10th instant, and to express the regret of the directors that they are unable to give to their Lordships the assurance of the Company's being prepared to pay so large a sum as 24,000 *l.* for the purpose of the survey in question.

I am, however, desired to state, that the Netherlands Government contemplated some time since undertaking the survey of the sea between East Java and Timor, which is their last possession towards Australia, for the purposes of the telegraph, and to express the conviction which the directors feel that an application on the part of their Lordships to the Colonial Minister at the Hague, that the Netherlands Government should undertake the whole survey as far as Port Essington, at the joint expense of the two Governments, would at once be complied with.

The Governor General of Netherlands India would, the directors believe, have a vessel on the spot available for the work, and in this manner a survey of the highest importance to both Governments could be carried out most expeditiously, and at a very trifling cost to each.

Should their Lordships, after ascertaining their share of the outlay, still desire to be reimbursed by the Company, which, as far as the directors are informed, has never yet been done in any of the numerous similar cases, the directors, when made acquainted with the amount, will be prepared to state whether they can meet the views of their Lordships. I am to suggest that their Lordships should communicate to the Netherlands Government their views upon the manner in which the survey should be undertaken.

I have, &c.

(signed)

F. Gisborne,

To the Secretary of the Admiralty.

Secretary (*pro tem.*)

— No. 22. —

Gentlemen,

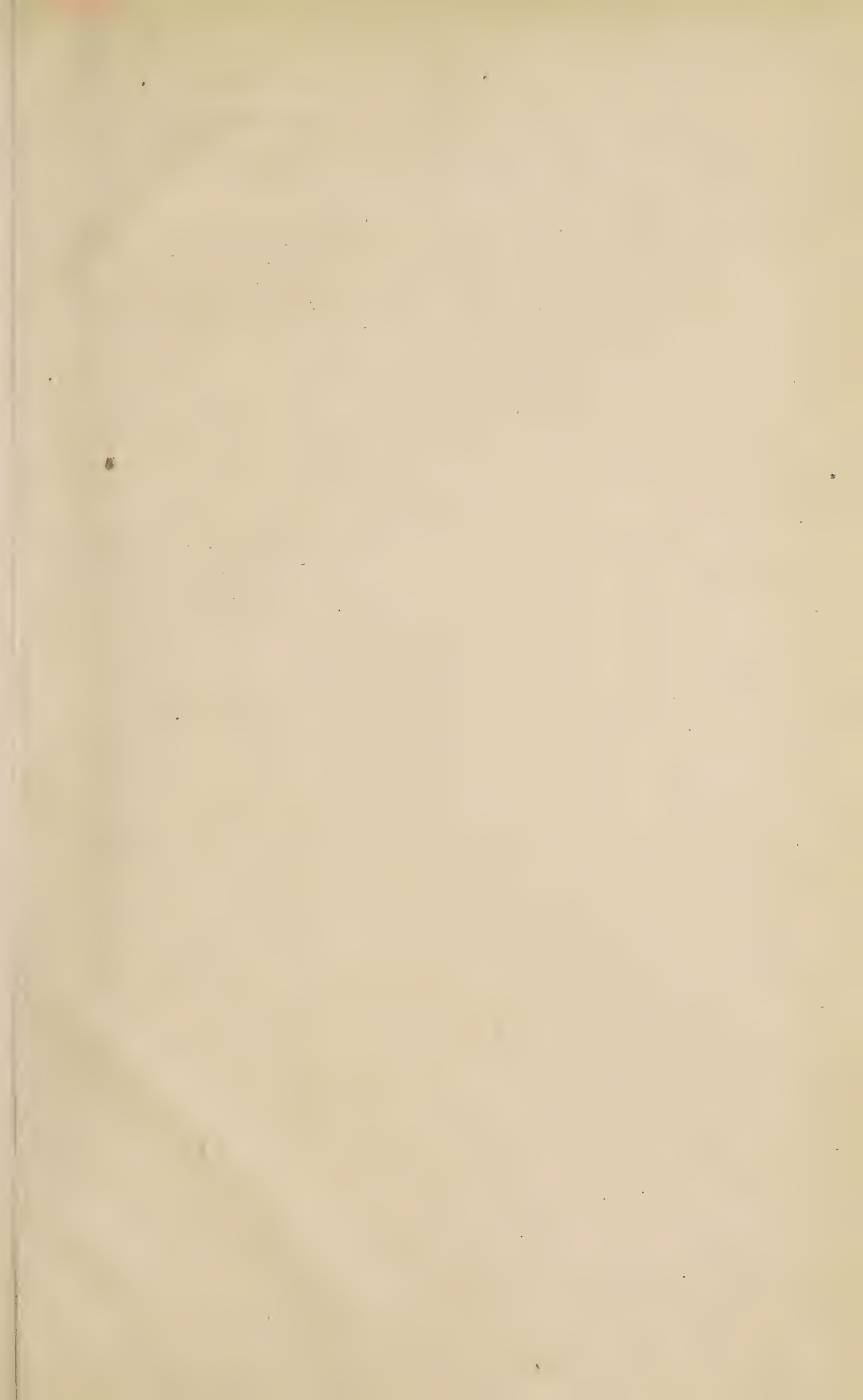
Admiralty, 21 February 1865.

WITH reference to your letter of the 13th instant, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that they are unable at the present time to make the survey between East Java and Port Essington, for the purpose of laying the electric telegraph cable; and they cannot make an official application to the Netherlands Government to carry out the survey at the expense of that Government.

I am, &c.

(signed) *W. G. Romaine.*

The Directors of the
Anglo-Australian and China Telegraph Company,
6, Duke-street, Adelphi.



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(INDIA, &c.)

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(*Mr. Marsh.*)

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